



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
May 12, 2011

## Senate Amendment 3333

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1 1 Amend the amendment, S=3293, to House File 649,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 1, line 26, by striking <2,549,270> and  
1 5 inserting <2,594,270>  
1 6 #2. Page 1, line 38, by striking <3,369,156> and  
1 7 inserting <3,399,156>  
1 8 #3. Page 1, after line 44 by inserting:  
1 9 <\_\_\_. Page 7, line 32, by striking <468,874> and  
1 10 inserting <498,874>>  
1 11 #4. Page 2, line 8, by striking <4,813,872> and  
1 12 inserting <4,826,699>  
1 13 #5. Page 2, after line 8 by inserting:  
1 14 <\_\_\_. Page 9, line 32, after <designated> by  
1 15 inserting <. The following amounts allocated under  
1 16 this lettered paragraph shall be distributed to  
1 17 the specified provider and shall not be reduced for  
1 18 administrative or other costs prior to distribution>>  
1 19 #6. Page 3, line 15, by striking <45,173> and  
1 20 inserting <58,000>  
1 21 #7. Page 3, by striking lines 34 and 35 and  
1 22 inserting <through a grant to an organization that has  
1 23 an existing program for children and adults and that  
1 24 is solely dedicated to preserving sight and preventing  
1 25 blindness>  
1 26 #8. Page 3, line 39, by striking <departments> and  
1 27 inserting <grantee organization>  
1 28 #9. Page 3, by striking lines 45 through 48 and  
1 29 inserting <the conclusion of the pilot program,  
1 30 the grantee organization shall report findings and  
1 31 recommendations for statewide implementation of the  
1 32 vision screening program to the department of public  
1 33 health.>  
1 34 #10. Page 3, before line 49 by inserting:  
1 35 <\_\_\_. The department of public health in  
1 36 collaboration with other appropriate state agencies  
1 37 shall review state regulatory oversight provisions  
1 38 relating to outpatient surgical facilities including  
1 39 ambulatory surgical centers, hospice programs, assisted  
1 40 living programs, and home health agencies, and shall  
1 41 submit recommendations to the persons designated in  
1 42 this Act for submission of reports by December 15,  
1 43 2011, to improve quality of care for consumers and to  
1 44 increase regulatory compliance by such entities.>  
1 45 #11. Page 4, after line 11 by inserting:  
1 46 <\_\_\_. Page 16, by striking lines 15 through 24 and  
1 47 inserting:  
1 48 <Pregnancy prevention grants shall be awarded  
1 49 to programs in existence on or before July 1, 2011,  
1 50 if the programs are comprehensive in scope and have



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2 1 demonstrated positive outcomes. Grants shall be  
2 2 awarded to pregnancy prevention programs which are  
2 3 developed after July 1, 2011, if the programs are  
2 4 comprehensive in scope and are based on existing models  
2 5 that have demonstrated positive outcomes. Grants  
2 6 shall comply with the requirements provided in 1997  
2 7 Iowa Acts, chapter 208, section 14, subsections 1 and  
2 8 2, including the requirement that grant programs must  
2 9 emphasize sexual abstinence. Priority in the awarding  
2 10 of grants shall be given to programs that serve areas  
2 11 of the state which demonstrate the highest percentage  
2 12 of unplanned pregnancies of females of childbearing age  
2 13 within the geographic area to be served by the grant. >>  
2 14 #12. Page 8, line 44, by striking <83,420,163> and  
2 15 inserting <83,377,336>  
2 16 #13. Page 9, line 1, by striking <300,000> and  
2 17 inserting <257,173>  
2 18 #14. Page 9, by striking lines 6 through 9 and  
2 19 inserting:  
2 20 <\_\_\_. Page 41, line 8, by striking <department of  
2 21 human services> and inserting <criminal and juvenile  
2 22 justice planning advisory council established in  
2 23 section 216A.132>>  
2 24 #15. Page 10, by striking lines 16 through 31 and  
2 25 inserting:  
2 26 <(2) For the nonstate-owned psychiatric medical  
2 27 institutions for children, reimbursement rates shall  
2 28 remain at the rates in effect on June 30, 2011. The  
2 29 department, in consultation with representatives of the  
2 30 nonstate-owned psychiatric medical institutions for  
2 31 children, shall develop a reimbursement methodology to  
2 32 include all ancillary medical services costs and any  
2 33 other changes required for federal compliance, to be  
2 34 implemented on July 1, 2012. To the extent possible,  
2 35 the reimbursement methodology shall be in a manner so  
2 36 as to be budget neutral to the institutions and cost  
2 37 effective for the state.>  
2 38 #16. Page 10, before line 32 by inserting:  
2 39 <\_\_\_. Page 56, after line 10 by inserting:  
2 40 <Sec. \_\_\_. CIVIL MONETARY PENALTIES ==== DIRECT CARE  
2 41 WORKER INITIATIVES PROPOSAL. The department of human  
2 42 services shall develop a proposal, in collaboration  
2 43 with the department of public health, requesting  
2 44 federal approval for the use of a portion of the  
2 45 funds received by the department of human services as  
2 46 civil monetary penalties from nursing facilities to  
2 47 support direct care worker initiatives that enhance the  
2 48 quality of care in nursing facilities. The proposal  
2 49 shall request use of the funds for direct care worker  
2 50 initiatives based on recommendations of the direct care



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3 1 worker task force established pursuant to 2005 Iowa  
3 2 Acts, chapter 88, as included in the report submitted  
3 3 to the governor and the general assembly in December  
3 4 2006. Upon completion of the proposal, the department  
3 5 of human services shall submit the proposal to the  
3 6 centers for Medicare and Medicaid services of the  
3 7 United States department of health and human services  
3 8 for approval. The department of human services shall  
3 9 notify the persons designated in this division of this  
3 10 Act for submission of reports upon receipt of approval  
3 11 of the proposal. >>  
3 12 #17. Page 12, by striking lines 19 through 37.  
3 13 #18. By striking page 12, line 50, through page 13,  
3 14 line 2, and inserting <and current medical assistance  
3 15 program providers that are not expansion population  
3 16 network providers pursuant to section 249J.7, for  
3 17 services covered by the full benefit>  
3 18 #19. Page 13, line 7, by striking <section 249J.6>  
3 19 and inserting <sections 249J.6 and 249J.7>  
3 20 #20. Page 13, by striking lines 34 through 39 and  
3 21 inserting <for reimbursement under this subsection.>  
3 22 #21. Page 14, by striking lines 25 through 28 and  
3 23 inserting <provider.>  
3 24 #22. Page 15, by striking lines 29 through 46.  
3 25 #23. Page 19, after line 49 by inserting:  
3 26 <\_\_\_\_. Page 82, after line 31 by inserting:  
3 27 <Sec. \_\_\_\_\_. Section 225B.8, Code 2011, is amended to  
3 28 read as follows:  
3 29 225B.8 Repeal.  
3 30 This chapter is repealed July 1, ~~2011~~ 2016. >>  
3 31 #24. Page 21, after line 14 by inserting:  
3 32 <\_\_\_\_. Page 83, after line 9 by inserting:  
3 33 <Sec. \_\_\_\_\_. NEW SECTION. 261.113 Licensed social  
3 34 worker loan repayment program.  
3 35 1. A licensed social worker loan repayment program  
3 36 is established, to be administered by the college  
3 37 student aid commission for the purpose of increasing  
3 38 the number of social workers serving in critical human  
3 39 service areas. For purposes of this section, "critical  
3 40 human service area" includes but is not limited to an  
3 41 area of the state with a shortage of social workers  
3 42 providing health, mental health, substance abuse,  
3 43 aging, HIV/AIDS, victim, or child welfare services, or  
3 44 communities with multilingual needs. These areas shall  
3 45 be designated by the college student aid commission,  
3 46 in consultation with a committee comprised of one  
3 47 representative each from the commission, the department  
3 48 of public health, and the department of human services.  
3 49 2. The contract for the loan repayment shall  
3 50 stipulate the time period the licensed social worker



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4 1 shall practice in a critical human service area.  
4 2 In addition, the contract shall stipulate that the  
4 3 licensed social worker repay any funds paid on the  
4 4 person's loan by the commission if the person fails  
4 5 to practice in a critical human service area for the  
4 6 required period of time.  
4 7 Sec. \_\_\_\_\_. NEW SECTION. 261.114 Licensed social  
4 8 worker loan repayment revolving fund.  
4 9 1. A licensed social worker loan repayment  
4 10 revolving fund is created in the state treasury as a  
4 11 separate fund under the control of the commission.  
4 12 The commission shall deposit payments made by program  
4 13 participants under section 261.113, subsection 2,  
4 14 moneys appropriated for purposes of the licensed social  
4 15 worker loan repayment program, and any other available  
4 16 funds into the loan repayment revolving fund. Moneys  
4 17 in the fund shall be used for purposes of the licensed  
4 18 social worker loan repayment program. Notwithstanding  
4 19 section 8.33, moneys deposited in the fund shall  
4 20 not revert to any fund of the state at the end of  
4 21 any fiscal year but shall remain in the fund and be  
4 22 continuously available for the program.  
4 23 2. Notwithstanding section 12C.7, subsection 2,  
4 24 interest or earnings on moneys deposited in the fund  
4 25 shall be credited to the fund.  
4 26 3. a. The annual amount of loan repayment is six  
4 27 thousand five hundred dollars for individuals who  
4 28 have provided full-time social work services in a  
4 29 critical human service area in the year prior to such  
4 30 application, provided that no recipient shall receive  
4 31 loan repayment that exceeds the total remaining balance  
4 32 of the student loan debt and that no recipient shall  
4 33 receive cumulative awards in excess of twenty-five  
4 34 thousand dollars.  
4 35 b. Awards shall be within the amounts appropriated  
4 36 for such purpose and based on availability of funds.  
4 37 4. Loan repayment awards shall be made annually to  
4 38 applicants in the following order of priority:  
4 39 a. First priority is given to applicants who have  
4 40 received payment of an award pursuant to this section  
4 41 in a prior year and who have provided social work  
4 42 services in a critical human service area in the year  
4 43 prior to such application.  
4 44 b. Second priority is given to applicants who have  
4 45 not received payment of an award pursuant to this  
4 46 section in a prior year and who have provided social  
4 47 work services in a critical human service area in the  
4 48 year prior to such application.  
4 49 c. Third priority is given to applicants who  
4 50 are economically disadvantaged, as defined by the



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5 1 commission.

5 2 5. The commission shall adopt rules pursuant to  
5 3 chapter 17A to administer this section. >>

5 4 #25. Page 21, after line 15 by inserting:

5 5 <\_\_\_\_. Page 83, after line 21 by inserting:

5 6 <DIVISION \_\_\_\_\_

5 7 MEDICAID PRESCRIPTION DRUGS

5 8 Sec. \_\_\_\_\_. Section 249A.20A, subsection 4, Code  
5 9 2011, is amended to read as follows:

5 10 4. With the exception of drugs prescribed for the  
5 11 treatment of human immunodeficiency virus or acquired  
5 12 immune deficiency syndrome, transplantation, or cancer  
5 13 and drugs prescribed for mental illness with the  
5 14 exception of drugs and drug compounds that do not  
5 15 have a significant variation in a therapeutic profile  
5 16 or side effect profile within a therapeutic class,  
5 17 prescribing and dispensing of prescription drugs not  
5 18 included on the preferred drug list shall be subject to  
5 19 prior authorization.

5 20 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1031, section  
5 21 348, is amended to read as follows:

5 22 SEC. 348. MEDICAID NONPREFERRED DRUG LIST  
5 23 PRESCRIBING.

5 24 1. The department shall adopt rules pursuant  
5 25 to chapter 17A to restrict physicians and other  
5 26 prescribers to prescribing not more than a 72-hour  
5 27 or three-day supply of a prescription drug not  
5 28 included on the medical assistance preferred drug list  
5 29 while seeking approval to continue prescribing the  
5 30 medication.

~~5 31 2. Notwithstanding subsection 1, the department~~  
~~5 32 shall adopt rules pursuant to chapter 17A to restrict a~~  
~~5 33 physician or other prescriber prescribing a chemically~~  
~~5 34 unique mental health prescription drug to prescribing~~  
~~5 35 not more than a seven-day supply of the prescription~~  
~~5 36 drug while requesting approval to continue to prescribe~~  
~~5 37 the medication. The rules shall provide that if~~  
~~5 38 an approval or disapproval is not received by the~~  
~~5 39 physician or other prescriber within 48 hours of the~~  
~~5 40 request, the request is deemed approved.~~

5 41 Sec. \_\_\_\_\_. REPEAL. 2010 Iowa Acts, chapter 1031,  
5 42 section 349, is repealed.

5 43 Sec. \_\_\_\_\_. RESCINDING AND ADOPTION OF RULES. The  
5 44 department of human services shall rescind the rules  
5 45 adopted pursuant to 2010 Iowa Acts, chapter 1031,  
5 46 section 347, chapter 1031, section 348, subsection  
5 47 2, and chapter 1031, section 349, and shall instead  
5 48 adopt emergency rules under section 17A.4, subsection  
5 49 3, and section 17A.5, subsection 2, paragraph "b",  
5 50 to implement section 249A.20A, as amended in this



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6 1 division of this Act, and the rules shall be effective  
6 2 immediately upon filing and retroactively applicable to  
6 3 January 1, 2011, unless a later date is specified in  
6 4 the rules. Any rules adopted in accordance with this  
6 5 section shall also be published as a notice of intended  
6 6 action as provided in section 17A.4.  
6 7 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
6 8 APPLICABILITY. This division of this Act, being deemed  
6 9 of immediate importance, takes effect upon enactment  
6 10 and applies retroactively to January 1, 2011. >>  
6 11 #26. By striking page 22, line 45, through page 24,  
6 12 line 36.  
6 13 #27. Page 28, line 36, after <by> by inserting <or  
6 14 on behalf of>  
6 15 #28. By striking page 51, line 24, through page 52,  
6 16 line 6, and inserting:  
6 17 <Sec. \_\_\_\_\_. INITIAL APPOINTMENTS ==== BOARD.  
6 18 1. The initial appointments of board member  
6 19 positions described in section 135D.4, as enacted by  
6 20 this division of this Act, shall have staggered terms  
6 21 as follows:  
6 22 a. The board members designated by the Iowa  
6 23 collaborative safety net provider network and the Iowa  
6 24 medical society, shall have initial terms of two years,  
6 25 after which the members shall serve four=year terms.  
6 26 b. The board members designated by the two largest  
6 27 health care systems in the state, the university of  
6 28 Iowa hospitals and clinics, and the Iowa hospital  
6 29 association, shall have initial terms of four years,  
6 30 after which the members shall serve four=year terms.  
6 31 c. The board members designated by the federation  
6 32 of Iowa insurers shall serve initial terms of six  
6 33 years, after which the members shall serve four=year  
6 34 terms.  
6 35 2. With the exception of board members who are  
6 36 representatives of state agencies and not subject  
6 37 to term limits as provided in section 135D.4, board  
6 38 members appointed under this section may serve an  
6 39 additional four=year term, with the exception of those  
6 40 board members initially serving a two=year term, who  
6 41 may serve two consecutive four=year terms following the  
6 42 initial two=year term.>  
6 43 #29. By renumbering as necessary.

JACK HATCH  
S3293.3212 (3) 84  
pf/jp



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## Senate Amendment 3334

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1 1 Amend the amendment, S=3287, to House File 645,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 8, by striking lines 11 through 18.  
1 5 #2. Page 8, by striking lines 32 through 37 and  
1 6 inserting <transfer the amount of \$523,098 to the  
1 7 college student aid commission for purposes of  
1 8 providing national guard educational assistance  
1 9 under the program established in section 261.86.  
1 10 Notwithstanding section 8.33, funds transferred for  
1 11 purposes of this section which remain unencumbered or  
1 12 unobligated at the close of the fiscal year ending June  
1 13 30, 2012, shall not revert but shall be available for  
1 14 expenditure for the fiscal year beginning July 1, 2012,  
1 15 for purposes of section 261.86.>  
1 16 #3. Page 14, by striking lines 17 through 38 and  
1 17 inserting:  
1 18 <Sec. \_\_\_\_\_. Section 261.6, subsection 2, Code 2011,  
1 19 is amended by adding the following new paragraph:  
1 20 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,  
1 21 notwithstanding subsection 3, paragraph "c", under the  
1 22 age of twenty=six; is not a convicted felon as defined  
1 23 in section 910.15; and meets the following criteria:  
1 24 (a) Is the child of a peace officer, as defined  
1 25 in section 97A.1, who is permanently and totally  
1 26 disabled and who receives benefits under section  
1 27 97A.6, subsection 5, or was killed in the line of duty  
1 28 as determined by the board of trustees of the Iowa  
1 29 department of public safety peace officers' retirement,  
1 30 accident, and disability system in accordance with  
1 31 section 97A.6, subsection 16.  
1 32 (b) Is the child of a police officer or a  
1 33 fire fighter, as defined in section 411.1, who is  
1 34 permanently and totally disabled and who receives  
1 35 benefits under section 411.6, subsection 5, or  
1 36 was killed in the line of duty as determined by  
1 37 the statewide fire and police retirement system in  
1 38 accordance with section 411.6, subsection 15.  
1 39 (c) Is the child of a person described as a peace  
1 40 officer under section 97B.49B or is the child of  
1 41 a sheriff or deputy sheriff as defined in section  
1 42 97B.49C, who is permanently and totally disabled and  
1 43 who receives an in=service disability retirement  
1 44 allowance under section 97B.50A, subsection 2, or is  
1 45 killed in the line of duty as determined by the Iowa  
1 46 public employees' retirement system in accordance with  
1 47 section 97B.52, subsection 2.  
1 48 (2) If a student receives financial aid under any  
1 49 other federal, state, or institutional scholarship or  
1 50 grant program, the full amount of the other financial



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2 1 aid shall be applied to the student's expenses first  
2 2 and shall be considered part of the student's available  
2 3 financial resources in determining the amount of the  
2 4 student's award under this paragraph "d". The total  
2 5 financial aid for the student's education, including  
2 6 financial aid under any other program, shall not exceed  
2 7 the student's cost of attendance at the institution  
2 8 which the student attends.

2 9 (3) For purposes of this paragraph "d":

2 10 (a) "Approved postsecondary education or training  
2 11 program" means a program offered by an Iowa community  
2 12 college or institution of higher education governed by  
2 13 the state board of regents.

2 14 (b) "Permanently and totally disabled" means the  
2 15 individual is unable to engage in any substantial  
2 16 gainful activity by reason of a medically determinable  
2 17 physical impairment which can be expected to last  
2 18 for a continuous period or can be expected to result  
2 19 in death. A certificate from a qualified physician  
2 20 attesting to the individual's permanent and total  
2 21 disability must be submitted to the commission. The  
2 22 certificate must include the name and address of  
2 23 the physician and contain an acknowledgment that the  
2 24 certificate will be used by the individual to qualify  
2 25 for educational assistance pursuant to this section.>

2 26 #4. Page 17, line 27, after <proficiency> by  
2 27 inserting <by submitting the written recommendation  
2 28 of the licensed practitioner providing supervision to  
2 29 the student in accordance with section 299A.2; may  
2 30 demonstrate proficiency as evidenced by achievement  
2 31 scores on the annual achievement evaluation required  
2 32 under section 299A.4; or may demonstrate proficiency>

2 33 #5. Page 21, line 15, by striking <and>

2 34 #6. Page 21, line 18, by striking <six hundred  
2 35 thirty=eight> and inserting <four hundred eight>

2 36 #7. Page 22, by striking lines 24 through 30.

2 37 #8. Page 24, by striking lines 41 and 42 and  
2 38 inserting <section of this division>

2 39 #9. Page 24, line 44, by striking <take effect on  
2 40 July 1, 2012, and are> and inserting <takes effect July  
2 41 1, 2012, and is>

2 42 #10. Page 25, line 2, by striking <sections> and  
2 43 inserting <section>

2 44 #11. Page 25, line 3, by striking <amend section  
2 45 298.3 apply> and inserting <amends section 298.3  
2 46 applies>

2 47 #12. Page 28, line 14, by striking <paragraph> and  
2 48 inserting <paragraphs>

2 49 #13. Page 28, after line 20 by inserting:

2 50 <NEW PARAGRAPH. 1. Allow a public library that





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3 1 receives state assistance under section 256.57, or  
3 2 financial support from a city or county pursuant  
3 3 to section 256.69, to dispose of, through sale,  
3 4 conveyance, or exchange, any library materials that may  
3 5 be obsolete or worn out or that may no longer be needed  
3 6 or appropriate to the mission of the public library.  
3 7 These materials may be sold by the public library  
3 8 directly or the governing body of the public library  
3 9 may sell the materials by consignment to a public  
3 10 agency or to a private agency organized to raise funds  
3 11 solely for support of the public library. Proceeds  
3 12 from the sale of the library materials may be remitted  
3 13 to the public library and may be used by the public  
3 14 library for the purchase of books and other library  
3 15 materials or equipment, or for the provision of library  
3 16 services.>  
3 17 #14. Page 33, after line 28 by inserting:  
3 18 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
3 19 of this division of this Act enacting section 256.52,  
3 20 subsection 3, paragraph "b", subparagraph (4A), being  
3 21 deemed of immediate importance, takes effect upon  
3 22 enactment.>  
3 23 #15. Page 36, line 44, by striking <economic  
3 24 development> and inserting <education>  
3 25 #16. Page 36, line 46, by striking <education> and  
3 26 inserting <economic development>  
3 27 #17. Page 37, line 15, by striking <economic  
3 28 development> and inserting <education>  
3 29 #18. Page 37, line 16, by striking <education> and  
3 30 inserting <economic development>  
3 31 #19. Page 40, line 20, by striking <economic  
3 32 development> and inserting <education>  
3 33 #20. Page 40, line 29, by striking <economic  
3 34 development> and inserting <education>  
3 35 #21. Page 40, line 38, by striking <economic  
3 36 development> and inserting <education>  
3 37 #22. Page 40, line 39, by striking <education> and  
3 38 inserting <economic development>  
3 39 #23. By renumbering as necessary.

BRIAN SCHOENJAHN  
S3287.3193 (4) 84  
kh/tm



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## Senate Amendment 3335

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1 1 Amend Senate File 525, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. By striking everything after the enacting clause  
1 4 and inserting:  
1 5  
1 6 <DIVISION I  
1 7 SERVICE SYSTEM REDESIGN  
1 8 Section 1. ADULT DISABILITY SERVICES SYSTEM  
1 9 REDESIGN.  
1 10 1. For the purposes of this section, "disability  
1 11 services" means services and other support available  
1 12 to a person with mental illness or an intellectual  
1 13 disability or other developmental disability.  
1 14 2. It is the intent of the general assembly to  
1 15 redesign the system for adult disability services to  
1 16 implement all of the following:  
1 17 a. Shifting the funding responsibility for the  
1 18 nonfederal share of adult disability services paid for  
1 19 by the Medicaid program, including but not limited to  
1 20 all costs for the state resource centers, from the  
1 21 counties to the state.  
1 22 b. Reorganizing adult disability services not paid  
1 23 for by the Medicaid program into a system administered  
1 24 on a regional basis in a manner that provides multiple  
1 25 local points of access to adult disability services  
1 26 both paid for by the Medicaid program and not paid for  
1 27 by the Medicaid program.  
1 28 c. Replacing legal settlement as the basis for  
1 29 determining financial responsibility for publicly  
1 30 funded disability services by determining such  
1 31 responsibility based upon residency.  
1 32 3. a. The legislative council is requested to  
1 33 authorize an interim committee on mental health and  
1 34 disability services for the 2011 legislative interim to  
1 35 commence as soon as practicable. The purpose of the  
1 36 interim committee is to closely engage with, monitor,  
1 37 and make recommendations concerning the efforts of  
1 38 the department of human services and workgroups of  
1 39 stakeholders and experts created by the department  
1 40 to develop detailed proposals for the redesign of  
1 41 disability services pursuant to this Act, particularly  
1 42 with regard to the identification of core services.  
1 43 b. (1) It is intended that the interim committee  
1 44 members consist of equal numbers of legislators from  
1 45 both chambers and from both political parties and  
1 46 for staff from the office of the governor and the  
1 47 departments of human services and public health to be  
1 48 designated to serve as ex officio, nonvoting members.  
1 49 It is also requested that legislators serving on the  
1 50 interim committee and other interested legislators  
1 51 be authorized to participate in the meetings of the



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2 1 workgroups and subcommittees addressed in this Act.  
2 2 (2) In addition to addressing workgroup  
2 3 recommendations, it is intended that the interim  
2 4 committee address property tax issues, devise a means  
2 5 of ensuring the state maintains its funding commitments  
2 6 for the redesigned services system, recommend revisions  
2 7 in the requirements for mental health professionals  
2 8 who are engaged in the involuntary commitment and  
2 9 examination processes under chapter 229, develop  
2 10 proposed legislation for amending Code references to  
2 11 mental retardation to instead refer to intellectual  
2 12 disabilities, and consider issues posed by the  
2 13 July 1, 2013, repeals of county disability services  
2 14 administration and funding provisions in 2011 Iowa  
2 15 Acts, Senate File 209, as amended by this Act. In  
2 16 addressing the repeal provisions, the interim committee  
2 17 shall include options for further revisions to the  
2 18 repeal date amendments enacted by this Act.  
2 19 (3) It is intended that the interim committee  
2 20 shall receive and make recommendations concerning the  
2 21 detailed and final proposals submitted by workgroups  
2 22 during the 2011 legislative interim for consideration  
2 23 by the general assembly in the 2012 legislative  
2 24 session.  
2 25 c. (1) The department of human services shall  
2 26 design the workgroup process to facilitate effective  
2 27 decision making while allowing for a broad array of  
2 28 input. The workgroup process shall begin as soon after  
2 29 the effective date of this Act as is practicable. The  
2 30 membership of workgroups and subcommittees involved  
2 31 with the process shall include consumers, service  
2 32 providers, and advocates and provide for adequate  
2 33 representation by both rural and urban interests.  
2 34 The department of public health shall be represented  
2 35 on those workgroups and subcommittees with a focus  
2 36 relevant to the department.  
2 37 (2) The detailed and final proposals developed  
2 38 by the workgroups during the 2011 interim shall  
2 39 be submitted to the interim committee on or before  
2 40 December 9, 2011.  
2 41 d. At least one workgroup shall address redesign  
2 42 of the adult mental health system and at least  
2 43 one workgroup shall address redesign of the adult  
2 44 intellectual and other developmental disability system.  
2 45 The workgroup process shall engage separate workgroups  
2 46 and subcommittees enumerated in this Act and may  
2 47 involve additional bodies in the process as determined  
2 48 by the department.  
2 49 e. It is intended that interim committee members  
2 50 be engaged, to the extent possible, in workgroup



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3 1 deliberations and begin formal discussions of  
3 2 preliminary proposals developed by the workgroups  
3 3 beginning in October.  
3 4 4. The workgroup process implemented by the  
3 5 department of human services pursuant to subsection  
3 6 3 shall result in the submission of proposals for  
3 7 redesign of adult disability services that include but  
3 8 are not limited to all of the following:  
3 9 a. Identifying clear definitions and requirements  
3 10 for the following:  
3 11 (1) Eligibility criteria for the individuals to be  
3 12 served.  
3 13 (2) The array of core services and other support to  
3 14 be included in regional adult disability services plans  
3 15 and to be delivered by providers based on individual  
3 16 needs and medical necessity and in a manner that  
3 17 promotes cost=effectiveness, uniformity, accessibility,  
3 18 and best practice approaches. The array shall  
3 19 encompass and integrate services and other support paid  
3 20 for by both the Medicaid program and other sources.  
3 21 (3) Outcome measures that focus on consumer needs,  
3 22 including but not limited to measures addressing  
3 23 individual choice, empowerment, and community.  
3 24 (4) Quality assurance measures.  
3 25 (5) Provider accreditation, certification,  
3 26 or licensure requirements to ensure high quality  
3 27 services while avoiding unreasonable expectations and  
3 28 duplicative surveys.  
3 29 (6) Input in regional service plans and delivery  
3 30 provisions by consumer and provider representatives.  
3 31 The input process shall engage local consumers,  
3 32 providers, and counties in developing the regional  
3 33 provisions.  
3 34 (7) Provisions for representatives of the regional  
3 35 system and the department to regularly engage in  
3 36 discussions to resolve Medicaid and non=Medicaid  
3 37 issues involving documentation requirements, electronic  
3 38 records, reimbursement methodologies, cost projections,  
3 39 and other measures to improve the services and other  
3 40 support available to consumers.  
3 41 b. Incorporating strategies to allow individuals  
3 42 to receive services in accordance with the principles  
3 43 established in *Olmstead v. L.C.*, 527 U.S. 581 (1999),  
3 44 in order for services to be provided in the most  
3 45 community=based, least restrictive, and integrated  
3 46 setting appropriate to an individual's needs.  
3 47 c. Continuing the department's leadership role  
3 48 in the Medicaid program in defining services covered,  
3 49 establishing reimbursement methodologies, providing  
3 50 other administrative functions, and engaging in federal



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4 1 options for program enhancements that are beneficial to  
4 2 consumers and the state such as medical or behavioral  
4 3 health homes.  
4 4 d. Implementing mental health crisis response  
4 5 services statewide in a manner determined to be most  
4 6 appropriate by each region.  
4 7 e. Implementing a subacute level of care to provide  
4 8 short-term mental health services in a structured  
4 9 residential setting that supplies a less intensive  
4 10 level of care than is supplied by acute psychiatric  
4 11 services.  
4 12 f. Reviewing best practices and programs utilized  
4 13 by other states in identifying new approaches for  
4 14 addressing the needs for publicly funded services for  
4 15 persons with brain injury. The proposals regarding  
4 16 these approaches may be submitted after the workgroup  
4 17 submission date set out in subsection 3.  
4 18 g. Developing a proposal for addressing service  
4 19 provider shortages. The development of the proposal  
4 20 shall incorporate an examination of scope of practice  
4 21 limitations and barriers to recruiting providers,  
4 22 including but not limited to variation in health  
4 23 insurance payment provisions for the services provided  
4 24 by different types of providers.  
4 25 h. Developing a proposal for service providers  
4 26 addressing co-occurring mental health, intellectual  
4 27 disability, brain injury, and substance abuse  
4 28 disorders. Each workgroup or subcommittee shall  
4 29 address co-occurring disorders as appropriate to the  
4 30 focus of the workgroup or subcommittee. The overall  
4 31 proposal may be developed by a body consisting of  
4 32 members from other workgroups or subcommittees. The  
4 33 proposal shall also provide options, developed in  
4 34 coordination with the judicial branch and department  
4 35 of human services workgroup, for implementation  
4 36 of the provision of advocates to patients with  
4 37 substance-related disorders.  
4 38 i. Developing a proposal for redesign of publicly  
4 39 funded children's disability services, including but  
4 40 not limited to the needs of children who are placed  
4 41 out-of-state due to the lack of treatment services  
4 42 in this state. The proposal shall be developed by a  
4 43 separate workgroup or subcommittee and in addition to  
4 44 the other interests and representation required by this  
4 45 section, the membership shall include education system  
4 46 and juvenile court representatives. The preliminary  
4 47 findings and recommendations, and the initial proposal  
4 48 shall be submitted by the October and December 2011  
4 49 dates required for other workgroups and subcommittees.  
4 50 The initial proposal developed during the 2011



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5 1 legislative interim shall include an analysis of gaps  
5 2 in the children's system and other planning provisions  
5 3 necessary to complete the final proposal for submission  
5 4 on or before December 10, 2012.  
5 5 j. Developing a proposal for adult disability  
5 6 services not paid for by the Medicaid program to be  
5 7 administered on a regional basis in a manner that  
5 8 provides multiple local points of access for consumers  
5 9 needing adult disability services, regardless of  
5 10 the funding sources for the services. The proposal  
5 11 shall be integrated with the other proposals under  
5 12 this subsection and shall be developed by a separate  
5 13 workgroup or subcommittee engaging both urban and rural  
5 14 county supervisors and central=point=of=coordination  
5 15 administrators and other experts. The considerations  
5 16 for inclusion in the proposal for forming regional  
5 17 entities shall include but are not limited to all of  
5 18 the following:  
5 19 (1) Modifying the relevant provisions of chapter  
5 20 28E for use by counties in forming regional entities  
5 21 and addressing other necessary contracting measures.  
5 22 (2) Providing for performance=based contracting  
5 23 between the department of human services and regional  
5 24 entities to ensure the existence of multiple, local  
5 25 points of access for adult disability services  
5 26 eligibility, intake, and authorization, service  
5 27 navigation support, and case coordination or case  
5 28 management, regardless of the funding sources for the  
5 29 services.  
5 30 (3) Developing a three=year service plan and annual  
5 31 update to meet the needs of consumers.  
5 32 (4) Providing for the regional entities to  
5 33 implement performance=based contracts, uniform cost  
5 34 reports, and consistent reimbursement practices and  
5 35 payment methodologies with local providers of services  
5 36 not paid for by the Medicaid program.  
5 37 (5) Providing for the regional entities to  
5 38 determine the Medicaid program targeted case managers  
5 39 to serve the regions.  
5 40 (6) Providing for the regional entities and the  
5 41 department of human services to regularly coordinate  
5 42 and communicate with one another concerning the adult  
5 43 disability services paid for by the Medicaid program so  
5 44 that services paid for by the program and the regional  
5 45 entities are integrated and coordinated.  
5 46 (7) Identifying sufficient population size to  
5 47 attain economy of scale, adequate financial resources,  
5 48 and appropriate service delivery.  
5 49 (8) Addressing full participation in regional  
5 50 entities by counties.



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6 1 (9) Including dispute resolution provisions for  
6 2 county=to=county relationships, county=to=region  
6 3 relationships, and region=to=state relationships.  
6 4 (10) Providing for a consumer appeal process that  
6 5 is clear, impartial, and consistent, with consideration  
6 6 of an option that appeals beyond the regional level  
6 7 should be to a state administrative law judge.  
6 8 (11) Addressing financial management provisions,  
6 9 including appropriate financial reserve levels.  
6 10 (12) Proposing other criteria for forming regional  
6 11 entities. The other criteria considered shall include  
6 12 but are not limited to all of the following:  
6 13 (a) Requiring a region to consist of contiguous  
6 14 counties.  
6 15 (b) Evaluating a proposed region's capacity  
6 16 for providing core services and performing required  
6 17 functions.  
6 18 (c) Requiring a region to encompass at least  
6 19 one community mental health center or federally  
6 20 qualified health center with providers qualified to  
6 21 provide psychiatric services, either directly or with  
6 22 assistance from psychiatric consultants, that has the  
6 23 capacity to provide outpatient services for the region  
6 24 and has provided evidence of a commitment to provide  
6 25 outpatient services for the region.  
6 26 (d) Requiring a region to encompass or have  
6 27 reasonably close proximity to a hospital with an  
6 28 inpatient psychiatric unit or to a state mental health  
6 29 institute, that has the capacity to provide inpatient  
6 30 services for the region and has provided evidence of  
6 31 a commitment to provide inpatient services for the  
6 32 region.  
6 33 (e) Requiring an administrative structure utilized  
6 34 by a region to have clear lines of accountability and  
6 35 to serve as a lead agency with shared county staff or  
6 36 other means of limiting administrative costs to not  
6 37 more than five percent of expenditures.  
6 38 5. The target date for full implementation of  
6 39 the plan and implementation provisions described in  
6 40 subsections 3 and 4 shall be July 1, 2013, provided,  
6 41 however, that any expansion of services is subject to  
6 42 available funding.  
6 43 Sec. 2. CONTINUATION OF WORKGROUP BY JUDICIAL  
6 44 BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial  
6 45 branch and department of human services shall continue  
6 46 the workgroup implemented pursuant to 2010 Iowa Acts,  
6 47 chapter 1192, section 24, subsection 2, to improve  
6 48 the processes for involuntary commitment for chronic  
6 49 substance abuse under chapter 125 and for serious  
6 50 mental illness under chapter 229, and shall coordinate



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7 1 its efforts with the legislative interim committee and  
7 2 other workgroups initiated pursuant to this Act. The  
7 3 recommendations issued by the workgroup shall address  
7 4 options to the current provision of transportation  
7 5 by the county sheriff; to the role, supervision,  
7 6 and funding of mental health patient advocates and  
7 7 substance-related disorder patient advocates, along  
7 8 with options for implementation of the provision of  
7 9 advocates to patients with such disorders; for revising  
7 10 requirements for mental health professionals who are  
7 11 engaged in the involuntary commitment and examination  
7 12 processes under chapter 229; for authorizing the  
7 13 court to order an involuntary hold of a patient under  
7 14 section 229.10 for not more than twenty-three hours  
7 15 who was not initially taken into custody but declined  
7 16 to be examined pursuant to a previous court order;  
7 17 and for civil commitment prescreening. Preliminary  
7 18 recommendations shall be submitted to the legislative  
7 19 interim committee in October 2011, as specified by the  
7 20 interim committee. Additional stakeholders shall be  
7 21 added as necessary to facilitate the workgroup efforts.  
7 22 The workgroup shall complete deliberations and submit  
7 23 a final report to the legislative interim committee  
7 24 providing findings and recommendations on or before  
7 25 December 9, 2011.

7 26     Sec. 3. SERVICE SYSTEM DATA AND STATISTICAL  
7 27 INFORMATION INTEGRATION. In coordination with  
7 28 the legislative interim committee and workgroups  
7 29 initiated pursuant to this Act, representatives of the  
7 30 department of human services, department of public  
7 31 health, and the community services network hosted by  
7 32 the Iowa state association of counties shall develop  
7 33 implementation provisions for an integrated data and  
7 34 statistical information system for mental health,  
7 35 disability services, and substance abuse services.  
7 36 The implementation provisions shall incorporate  
7 37 federal data and statistical information requirements.  
7 38 When completed, the departments and affiliate shall  
7 39 report on the integrated system to the governor,  
7 40 the joint appropriations subcommittee on health and  
7 41 human services, and the legislative services agency,  
7 42 providing their findings and recommendations.

7 43     Sec. 4. DEPARTMENT OF HUMAN SERVICES. There is  
7 44 appropriated from the general fund of the state to  
7 45 the department of human services for the fiscal year  
7 46 beginning July 1, 2010, and ending June 30, 2011, the  
7 47 following amount, or so much thereof as is necessary,  
7 48 to be used for the purposes designated:

7 49     For the costs of planning and other processes  
7 50 associated with implementation of this Act:





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8 1 ..... \$ 250,000

8 2 Notwithstanding section 8.47 or any other provision  
8 3 of law to the contrary, the department may utilize a  
8 4 sole source approach to contract to support planning  
8 5 and other processes associated with implementation  
8 6 of this Act. Notwithstanding section 8.33, moneys  
8 7 appropriated in this section that remain unencumbered  
8 8 or unobligated at the close of the fiscal year shall  
8 9 not revert but shall remain available for expenditure  
8 10 for the purposes designated until the close of the  
8 11 succeeding fiscal year.

8 12 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of  
8 13 this Act, being deemed of immediate importance, takes  
8 14 effect upon enactment.

8 15 DIVISION II  
8 16 CONFORMING PROVISIONS

8 17 Sec. 6. CONFORMING PROVISIONS. The legislative  
8 18 services agency shall prepare a study bill for  
8 19 consideration by the committees on human resources of  
8 20 the senate and house of representatives for the 2012  
8 21 legislative session, providing any necessary conforming  
8 22 Code changes for implementation of the system redesign  
8 23 provisions contained in this Act.

8 24 DIVISION III  
8 25 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN  
8 26 Sec. 7. Section 135H.3, subsection 1, Code 2011, is  
8 27 amended to read as follows:

8 28 1. A psychiatric medical institution for children  
8 29 shall utilize a team of professionals to direct an  
8 30 organized program of diagnostic services, psychiatric  
8 31 services, nursing care, and rehabilitative services  
8 32 to meet the needs of residents in accordance with a  
8 33 medical care plan developed for each resident. The  
8 34 membership of the team of professionals may include  
8 35 but is not limited to an advanced registered nurse  
8 36 practitioner or a physician assistant. Social and

8 37 rehabilitative services shall be provided under the  
8 38 direction of a qualified mental health professional.

8 39 Sec. 8. Section 135H.6, subsection 8, Code 2011, is  
8 40 amended to read as follows:

8 41 8. The department of human services may give  
8 42 approval to conversion of beds approved under  
8 43 subsection 6, to beds which are specialized to provide  
8 44 substance abuse treatment. However, the total number  
8 45 of beds approved under subsection 6 and this subsection  
8 46 shall not exceed four hundred thirty. Conversion of  
8 47 beds under this subsection shall not require a revision  
8 48 of the certificate of need issued for the psychiatric  
8 49 institution making the conversion. Beds for children  
8 50 who do not reside in this state and whose service costs



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9 1 are not paid by public funds in this state are not  
9 2 subject to the limitations on the number of beds and  
9 3 certificate of need requirements otherwise applicable  
9 4 under this section.

9 5     Sec. 9. PSYCHIATRIC MEDICAL INSTITUTIONS FOR  
9 6 CHILDREN AND RELATED SERVICES ==== TRANSITION COMMITTEE.

9 7     1. For the purposes of this section, unless the  
9 8 context otherwise requires:

9 9         a. "Iowa plan" means the contract to administer the  
9 10 behavioral health managed care plan under the state's  
9 11 Medicaid program.

9 12         b. "PMIC" means a psychiatric medical institution  
9 13 for children.

9 14     2. It is the intent of the general assembly to do  
9 15 the following under this section:

9 16         a. Improve the reimbursement, expected outcomes,  
9 17 and integration of PMIC services to serve the best  
9 18 interests of children within the context of a redesign  
9 19 of the delivery of publicly funded children's mental  
9 20 health services in this state.

9 21         b. Support the development of specialized programs  
9 22 for children with high acuity requirements whose needs  
9 23 are not met by Iowa's current system and must be served  
9 24 in out-of-state placements.

9 25         c. Transition PMIC services while providing  
9 26 services in a manner that applies best practices and is  
9 27 cost-effective.

9 28     3. The department of human services, in  
9 29 collaboration with PMIC providers, shall develop a  
9 30 plan for transitioning the administration of PMIC  
9 31 services to the Iowa plan. The transition plan  
9 32 shall address specific strategies for appropriately  
9 33 addressing PMIC lengths of stay by increasing the  
9 34 availability of less intensive levels of care,  
9 35 establishing vendor performance standards, identifying  
9 36 levels of PMIC care, providing for performance and  
9 37 quality improvement technical assistance to providers,  
9 38 identifying methods and standards for credentialing  
9 39 providers of specialized programs, using innovative  
9 40 reimbursement incentives to improve access while  
9 41 building the capacity of less intensive levels of care,  
9 42 and providing implementation guidelines.

9 43     4. a. The transition plan shall address the  
9 44 development of specialized programs to address the  
9 45 needs of children in need of more intensive treatment  
9 46 who are currently underserved. All of the following  
9 47 criteria shall be used for such programs:

9 48         (1) Geographic accessibility.

9 49         (2) Expertise needed to assure appropriate and  
9 50 effective treatment.



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10 1 (3) Capability to define and provide the  
10 2 appropriate array of services and report on  
10 3 standardized outcome measures.  
10 4 (4) Best interests of the child.  
10 5 b. The transition plan shall also address all of  
10 6 the following:  
10 7 (1) Providing navigation, access, and care  
10 8 coordination for children and families in need of  
10 9 services from the children's mental health system.  
10 10 (2) Integrating the children's mental health  
10 11 waiver services under the Medicaid program with  
10 12 other services addressed by the transition plan as a  
10 13 means for supporting the transition plan and ensuring  
10 14 availability of choices for community placements.  
10 15 (3) Identifying admission and continued stay  
10 16 criteria for PMIC providers.  
10 17 (4) Evaluating changes in licensing standards for  
10 18 PMICs as necessary to ensure that the standards are  
10 19 aligned with overall system goals.  
10 20 (5) Evaluating alternative reimbursement and  
10 21 service models that are innovative and could support  
10 22 overall system goals. The models may include but are  
10 23 not limited to accountable care organizations, medical  
10 24 or other health homes, and performance-based payment  
10 25 methods.  
10 26 (6) Evaluating the adequacy of reimbursement at all  
10 27 levels of the children's mental health system.  
10 28 (7) Developing profiles of the conditions and  
10 29 behaviors that result in a child's involuntary  
10 30 discharge or out-of-state placement. The plan shall  
10 31 incorporate provisions for developing specialized  
10 32 programs that are designed to appropriately meet the  
10 33 needs identified in the profiles.  
10 34 (8) Evaluating and defining the appropriate array  
10 35 of less intensive services for a child leaving a  
10 36 hospital or PMIC placement.  
10 37 (9) Evaluating and defining the standards for  
10 38 existing and new PMIC and other treatment levels.  
10 39 5. a. The department shall establish a  
10 40 transition committee that includes departmental  
10 41 staff representatives for Medicaid, child welfare,  
10 42 field, and mental health services, the director of  
10 43 the Iowa plan, the department of inspections and  
10 44 appeals, a representative of each licensed PMIC, the  
10 45 executive director of the coalition of family and  
10 46 children's services in Iowa, a person with knowledge  
10 47 and expertise in care coordination and integration  
10 48 of PMIC and community-based services, two persons  
10 49 representing families affected by the children's mental  
10 50 health system, and a representative of juvenile court



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11 1 officers.  
11 2     b. The transition committee shall develop the plan  
11 3 and manage the transition if the plan is implemented.  
11 4 The plan shall be developed by December 31, 2011,  
11 5 and shall be submitted to the general assembly by  
11 6 January 16, 2012. The submitted plan shall include  
11 7 an independent finding by the director of human  
11 8 services, in consultation with the office of the  
11 9 governor and the chairpersons and ranking members of  
11 10 the joint appropriations subcommittee on health and  
11 11 human services, that the plan meets the intent of the  
11 12 general assembly under this section. Unless otherwise  
11 13 directed by enactment of the general assembly the  
11 14 department and the transition committee may proceed  
11 15 with implementation of the submitted plan on or before  
11 16 July 1, 2012.

11 17     c. The transition committee shall continue to meet  
11 18 through December 31, 2013, to oversee transition of  
11 19 PMIC services to the Iowa plan.

11 20     6. The director of the Medicaid enterprise of the  
11 21 department of human services shall annually report on  
11 22 or before December 15 to the chairpersons and ranking  
11 23 members of the joint appropriations subcommittee on  
11 24 health and human services through December 15, 2016,  
11 25 regarding the implementation of this section. The  
11 26 content of the report shall include but is not limited  
11 27 to information on children served by PMIC providers,  
11 28 the types of locations to which children are discharged  
11 29 following a hospital or PMIC placement and the  
11 30 community-based services available to such children,  
11 31 and the incidence of readmission to a PMIC within 12  
11 32 months of discharge. The report shall also recommend  
11 33 whether or not to continue administration of PMIC  
11 34 services under the Iowa plan based upon the quality  
11 35 of service delivery, the value of utilizing the Iowa  
11 36 plan administration rather than the previous approach  
11 37 through the Medicaid enterprise, and analysis of the  
11 38 cost and benefits of utilizing the Iowa plan approach.

11 39                                   DIVISION IV

11 40                                   COMMUNITY MENTAL HEALTH CENTERS

11 41                   COMMUNITY MENTAL HEALTH CENTERS ==== CATCHMENT AREAS

11 42     Sec. 10. NEW SECTION. 230A.101 Services system  
11 43 roles.

11 44     1. The role of the department of human services,  
11 45 through the division of the department designated as  
11 46 the state mental health authority with responsibility  
11 47 for state policy concerning mental health and  
11 48 disability services, is to develop and maintain  
11 49 policies for the mental health and disability services  
11 50 system. The policies shall address the service



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12 1 needs of individuals of all ages with disabilities  
12 2 in this state, regardless of the individuals' places  
12 3 of residence or economic circumstances, and shall be  
12 4 consistent with the requirements of chapter 225C and  
12 5 other applicable law.

12 6 2. The role of community mental health centers in  
12 7 the mental health and disability services system is  
12 8 to provide an organized set of services in order to  
12 9 adequately meet the mental health needs of this state's  
12 10 citizens based on organized catchment areas.

12 11 Sec. 11. NEW SECTION. 230A.102 Definitions.  
12 12 As used in this chapter, unless the context  
12 13 otherwise requires:

12 14 1. "Administrator", "commission", "department",  
12 15 "disability services", and "division" mean the same as  
12 16 defined in section 225C.2.

12 17 2. "Catchment area" means a community mental health  
12 18 center catchment area identified in accordance with  
12 19 this chapter.

12 20 3. "Community mental health center" or "center"  
12 21 means a community mental health center designated in  
12 22 accordance with this chapter.

12 23 Sec. 12. NEW SECTION. 230A.103 Designation of  
12 24 community mental health centers.

12 25 1. The division, subject to agreement by any  
12 26 community mental health center that would provide  
12 27 services for the catchment area and approval by the  
12 28 commission, shall designate at least one community  
12 29 mental health center under this chapter to serve as  
12 30 lead agency for addressing the mental health needs of  
12 31 the county or counties comprising the catchment area.  
12 32 The designation process shall provide for the input  
12 33 of potential service providers regarding designation  
12 34 of the initial catchment area or a change in the  
12 35 designation.

12 36 2. The division shall utilize objective criteria  
12 37 for designating a community mental health center  
12 38 to serve a catchment area and for withdrawing such  
12 39 designation. The commission shall adopt rules  
12 40 outlining the criteria. The criteria shall include but  
12 41 are not limited to provisions for meeting all of the  
12 42 following requirements:

12 43 a. An appropriate means shall be used for  
12 44 determining which prospective designee is best able to  
12 45 serve all ages of the targeted population within the  
12 46 catchment area with minimal or no service denials.

12 47 b. An effective means shall be used for determining  
12 48 the relative ability of a prospective designee to  
12 49 appropriately provide mental health services and other  
12 50 support to consumers residing within a catchment area



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13 1 as well as consumers residing outside the catchment  
13 2 area. The criteria shall address the duty for a  
13 3 prospective designee to arrange placements outside the  
13 4 catchment area when such placements best meet consumer  
13 5 needs and to provide services within the catchment area  
13 6 to consumers who reside outside the catchment area when  
13 7 the services are necessary and appropriate.

13 8 3. The board of directors for a designated  
13 9 community mental health center shall enter into  
13 10 an agreement with the division. The terms of the  
13 11 agreement shall include but are not limited to all of  
13 12 the following:

13 13 a. The period of time the agreement will be in  
13 14 force.

13 15 b. The services and other support the center will  
13 16 offer or provide for the residents of the catchment  
13 17 area.

13 18 c. The standards to be followed by the center in  
13 19 determining whether and to what extent the persons  
13 20 seeking services from the center shall be considered to  
13 21 be able to pay the costs of the services.

13 22 d. The policies regarding availability of the  
13 23 services offered by the center to the residents of the  
13 24 catchment area as well as consumers residing outside  
13 25 the catchment area.

13 26 e. The requirements for preparation and submission  
13 27 to the division of annual audits, cost reports, program  
13 28 reports, performance measures, and other financial and  
13 29 service accountability information.

13 30 4. This section does not limit the authority of  
13 31 the board or the boards of supervisors of any county  
13 32 or group of counties to continue to expend money to  
13 33 support operation of a center.

13 34 Sec. 13. NEW SECTION. 230A.104 Catchment areas.

13 35 1. The division shall collaborate with affected  
13 36 counties in identifying community mental health center  
13 37 catchment areas in accordance with this section.

13 38 2. a. Unless the division has determined that  
13 39 exceptional circumstances exist, a catchment area  
13 40 shall be served by one community mental health center.  
13 41 The purpose of this general limitation is to clearly  
13 42 designate the center responsible and accountable for  
13 43 providing core mental health services to the target  
13 44 population in the catchment area and to protect the  
13 45 financial viability of the centers comprising the  
13 46 mental health services system in the state.

13 47 b. A formal review process shall be used in  
13 48 determining whether exceptional circumstances exist  
13 49 that justify designating more than one center to  
13 50 serve a catchment area. The criteria for the review



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14 1 process shall include but are not limited to a means  
14 2 of determining whether the catchment area can support  
14 3 more than one center.  
14 4 c. Criteria shall be provided that would allow  
14 5 the designation of more than one center for all  
14 6 or a portion of a catchment area if designation or  
14 7 approval for more than one center was provided by the  
14 8 division as of October 1, 2010. The criteria shall  
14 9 require a determination that all such centers would be  
14 10 financially viable if designation is provided for all.  
14 11 Sec. 14. NEW SECTION. 230A.105 Target population  
14 12 === eligibility.  
14 13 1. The target population residing in a catchment  
14 14 area to be served by a community mental health  
14 15 center shall include but is not limited to all of the  
14 16 following:  
14 17 a. Individuals of any age who are experiencing a  
14 18 mental health crisis.  
14 19 b. Individuals of any age who have a mental health  
14 20 disorder.  
14 21 c. Adults who have a serious mental illness or  
14 22 chronic mental illness.  
14 23 d. Children and youth who are experiencing a  
14 24 serious emotional disturbance.  
14 25 e. Individuals described in paragraph "a", "b",  
14 26 "c", or "d" who have a co=occurring disorder, including  
14 27 but not limited to substance abuse, mental retardation,  
14 28 a developmental disability, brain injury, autism  
14 29 spectrum disorder, or another disability or special  
14 30 health care need.  
14 31 2. Specific eligibility criteria for members of the  
14 32 target population shall be identified in administrative  
14 33 rules adopted by the commission. The eligibility  
14 34 criteria shall address both clinical and financial  
14 35 eligibility.  
14 36 Sec. 15. NEW SECTION. 230A.106 Services offered.  
14 37 1. A community mental health center designated  
14 38 in accordance with this chapter shall offer core  
14 39 services and support addressing the basic mental health  
14 40 and safety needs of the target population and other  
14 41 residents of the catchment area served by the center  
14 42 and may offer other services and support. The core  
14 43 services shall be identified in administrative rules  
14 44 adopted by the commission for this purpose.  
14 45 2. The initial core services identified shall  
14 46 include all of the following:  
14 47 a. Outpatient services. Outpatient services shall  
14 48 consist of evaluation and treatment services provided  
14 49 on an ambulatory basis for the target population.  
14 50 Outpatient services include psychiatric evaluations,



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15 1 medication management, and individual, family, and  
15 2 group therapy. In addition, outpatient services shall  
15 3 include specialized outpatient services directed to the  
15 4 following segments of the target population: children,  
15 5 elderly, individuals who have serious and persistent  
15 6 mental illness, and residents of the service area  
15 7 who have been discharged from inpatient treatment  
15 8 at a mental health facility. Outpatient services  
15 9 shall provide elements of diagnosis, treatment, and  
15 10 appropriate follow-up. The provision of only screening  
15 11 and referral services does not constitute outpatient  
15 12 services.

15 13 b. Twenty-four-hour emergency services.  
15 14 Twenty-four-hour emergency services shall be  
15 15 provided through a system that provides access to a  
15 16 clinician and appropriate disposition with follow-up  
15 17 documentation of the emergency service provided.  
15 18 A patient shall have access to evaluation and  
15 19 stabilization services after normal business hours.  
15 20 The range of emergency services that shall be available  
15 21 to a patient may include but are not limited to direct  
15 22 contact with a clinician, medication evaluation,  
15 23 and hospitalization. The emergency services may be  
15 24 provided directly by the center or in collaboration  
15 25 or affiliation with other appropriately accredited  
15 26 providers.

15 27 c. Day treatment, partial hospitalization, or  
15 28 psychosocial rehabilitation services. Such services  
15 29 shall be provided as structured day programs in  
15 30 segments of less than twenty-four hours using a  
15 31 multidisciplinary team approach to develop treatment  
15 32 plans that vary in intensity of services and the  
15 33 frequency and duration of services based on the needs  
15 34 of the patient. These services may be provided  
15 35 directly by the center or in collaboration or  
15 36 affiliation with other appropriately accredited  
15 37 providers.

15 38 d. Admission screening for voluntary patients.  
15 39 Admission screening services shall be available for  
15 40 patients considered for voluntary admission to a state  
15 41 mental health institute to determine the patient's  
15 42 appropriateness for admission.

15 43 e. Community support services. Community support  
15 44 services shall consist of support and treatment  
15 45 services focused on enhancing independent functioning  
15 46 and assisting persons in the target population who  
15 47 have a serious and persistent mental illness to live  
15 48 and work in their community setting, by reducing or  
15 49 managing mental illness symptoms and the associated  
15 50 functional disabilities that negatively impact such





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16 1 persons' community integration and stability.  
16 2 f. Consultation services. Consultation services  
16 3 may include provision of professional assistance and  
16 4 information about mental health and mental illness to  
16 5 individuals, service providers, or groups to increase  
16 6 such persons' effectiveness in carrying out their  
16 7 responsibilities for providing services. Consultations  
16 8 may be case-specific or program-specific.  
16 9 g. Education services. Education services may  
16 10 include information and referral services regarding  
16 11 available resources and information and training  
16 12 concerning mental health, mental illness, availability  
16 13 of services and other support, the promotion  
16 14 of mental health, and the prevention of mental  
16 15 illness. Education services may be made available to  
16 16 individuals, groups, organizations, and the community  
16 17 in general.  
16 18 3. A community mental health center shall be  
16 19 responsible for coordinating with associated services  
16 20 provided by other unaffiliated agencies to members  
16 21 of the target population in the catchment area and  
16 22 to integrate services in the community with services  
16 23 provided to the target population in residential or  
16 24 inpatient settings.  
16 25 Sec. 16. NEW SECTION. 230A.107 Form of  
16 26 organization.  
16 27 1. Except as authorized in subsection 2, a  
16 28 community mental health center designated in accordance  
16 29 with this chapter shall be organized and administered  
16 30 as a nonprofit corporation.  
16 31 2. A for-profit corporation, nonprofit corporation,  
16 32 or county hospital providing mental health services to  
16 33 county residents pursuant to a waiver approved under  
16 34 section 225C.7, subsection 3, Code 2011, as of October  
16 35 1, 2010, may also be designated as a community mental  
16 36 health center.  
16 37 Sec. 17. NEW SECTION. 230A.108 Administrative,  
16 38 diagnostic, and demographic information.  
16 39 Release of administrative and diagnostic  
16 40 information, as defined in section 228.1, and  
16 41 demographic information necessary for aggregated  
16 42 reporting to meet the data requirements established by  
16 43 the division, relating to an individual who receives  
16 44 services from a community mental health center, may  
16 45 be made a condition of support of that center by the  
16 46 division.  
16 47 Sec. 18. NEW SECTION. 230A.109 Funding ===  
16 48 legislative intent.  
16 49 1. It is the intent of the general assembly that  
16 50 public funding for community mental health centers



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17 1 designated in accordance with this chapter shall be  
17 2 provided as a combination of federal and state funding.  
17 3 2. It is the intent of the general assembly that  
17 4 the state funding provided to centers be a sufficient  
17 5 amount for the core services and support addressing the  
17 6 basic mental health and safety needs of the residents  
17 7 of the catchment area served by each center to be  
17 8 provided regardless of individual ability to pay for  
17 9 the services and support.

17 10 3. While a community mental health center must  
17 11 comply with the core services requirements and other  
17 12 standards associated with designation, provision of  
17 13 services is subject to the availability of a payment  
17 14 source for the services.

17 15 Sec. 19. NEW SECTION. 230A.110 Standards.

17 16 1. The division shall recommend and the commission  
17 17 shall adopt standards for designated community  
17 18 mental health centers and comprehensive community  
17 19 mental health programs, with the overall objective of  
17 20 ensuring that each center and each affiliate providing  
17 21 services under contract with a center furnishes  
17 22 high=quality mental health services within a framework  
17 23 of accountability to the community it serves. The  
17 24 standards adopted shall conform with federal standards  
17 25 applicable to community mental health centers and  
17 26 shall be in substantial conformity with the applicable  
17 27 behavioral health standards adopted by the joint  
17 28 commission, formerly known as the joint commission  
17 29 on accreditation of health care organizations, and  
17 30 other recognized national standards for evaluation of  
17 31 psychiatric facilities unless in the judgment of the  
17 32 division, with approval of the commission, there are  
17 33 sound reasons for departing from the standards.

17 34 2. When recommending standards under this section,  
17 35 the division shall designate an advisory committee  
17 36 representing boards of directors and professional  
17 37 staff of designated community mental health centers to  
17 38 assist in the formulation or revision of standards.  
17 39 The membership of the advisory committee shall include  
17 40 representatives of professional and nonprofessional  
17 41 staff and other appropriate individuals.

17 42 3. The standards recommended under this section  
17 43 shall include requirements that each community mental  
17 44 health center designated under this chapter do all of  
17 45 the following:

17 46 a. Maintain and make available to the public a  
17 47 written statement of the services the center offers  
17 48 to residents of the catchment area being served. The  
17 49 center shall employ or contract for services with  
17 50 affiliates to employ staff who are appropriately



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18 1 credentialed or meet other qualifications in order to  
18 2 provide services.

18 3     b. If organized as a nonprofit corporation, be  
18 4 governed by a board of directors which adequately  
18 5 represents interested professions, consumers of  
18 6 the center's services, socioeconomic, cultural, and  
18 7 age groups, and various geographical areas in the  
18 8 catchment area served by the center. If organized  
18 9 as a for-profit corporation, the corporation's policy  
18 10 structure shall incorporate such representation.

18 11     c. Arrange for the financial condition and  
18 12 transactions of the community mental health center to  
18 13 be audited once each year by the auditor of state.  
18 14 However, in lieu of an audit by state accountants,  
18 15 the local governing body of a community mental health  
18 16 center organized under this chapter may contract with  
18 17 or employ certified public accountants to conduct the  
18 18 audit, pursuant to the applicable terms and conditions  
18 19 prescribed by sections 11.6 and 11.19 and audit format  
18 20 prescribed by the auditor of state. Copies of each  
18 21 audit shall be furnished by the accountant to the  
18 22 administrator of the division of mental health and  
18 23 disability services.

18 24     d. Comply with the accreditation standards  
18 25 applicable to the center.

18 26     Sec. 20. NEW SECTION. 230A.111 Review and  
18 27 evaluation.

18 28     1. The review and evaluation of designated centers  
18 29 shall be performed through a formal accreditation  
18 30 review process as recommended by the division and  
18 31 approved by the commission. The accreditation process  
18 32 shall include all of the following:

18 33     a. Specific time intervals for full accreditation  
18 34 reviews based upon levels of accreditation.

18 35     b. Use of random or complaint-specific, on-site  
18 36 limited accreditation reviews in the interim between  
18 37 full accreditation reviews, as a quality review  
18 38 approach. The results of such reviews shall be  
18 39 presented to the commission.

18 40     c. Use of center accreditation self-assessment  
18 41 tools to gather data regarding quality of care and  
18 42 outcomes, whether used during full or limited reviews  
18 43 or at other times.

18 44     2. The accreditation process shall include but is  
18 45 not limited to addressing all of the following:

18 46     a. Measures to address centers that do not meet  
18 47 standards, including authority to revoke accreditation.

18 48     b. Measures to address noncompliant centers that  
18 49 do not develop a corrective action plan or fail to  
18 50 implement steps included in a corrective action plan



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19 1 accepted by the division.  
19 2 c. Measures to appropriately recognize centers that  
19 3 successfully complete a corrective action plan.  
19 4 d. Criteria to determine when a center's  
19 5 accreditation should be denied, revoked, suspended, or  
19 6 made provisional.  
19 7 Sec. 21. REPEAL. Sections 230A.1 through 230A.18,  
19 8 Code 2011, are repealed.  
19 9 Sec. 22. IMPLEMENTATION ==== EFFECTIVE DATE.  
19 10 1. Community mental health centers operating  
19 11 under the provisions of chapter 230A, Code 2011, and  
19 12 associated standards, rules, and other requirements as  
19 13 of June 30, 2012, may continue to operate under such  
19 14 requirements until the department of human services,  
19 15 division of mental health and disability services, and  
19 16 the mental health and disability services commission  
19 17 have completed the rules adoption process to implement  
19 18 the amendments to chapter 230A enacted by this Act,  
19 19 identified catchment areas, and completed designations  
19 20 of centers.  
19 21 2. The division and the commission shall complete  
19 22 the rules adoption process and other requirements  
19 23 addressed in subsection 1 on or before June 30, 2012.  
19 24 3. Except for this section, which shall take effect  
19 25 July 1, 2011, this division of this Act takes effect  
19 26 July 1, 2012.

19 27 DIVISION V

19 28 PERSONS WITH SUBSTANCE-RELATED DISORDERS  
19 29 AND PERSONS WITH MENTAL ILLNESS

19 30 Sec. 23. Section 125.1, subsection 1, Code 2011, is  
19 31 amended to read as follows:

19 32 1. That ~~substance abusers and persons suffering~~  
~~from chemical dependency~~ persons with substance-related  
19 34 disorders be afforded the opportunity to receive  
19 35 quality treatment and directed into rehabilitation  
19 36 services which will help them resume a socially  
19 37 acceptable and productive role in society.

19 38 Sec. 24. Section 125.2, subsection 2, Code 2011, is  
19 39 amended by striking the subsection.

19 40 Sec. 25. Section 125.2, subsection 5, Code 2011,  
19 41 is amended by striking the subsection and inserting in  
19 42 lieu thereof the following:

19 43 5. "Substance-related disorder" means a diagnosable  
19 44 substance abuse disorder of sufficient duration to meet  
19 45 diagnostic criteria specified within the most current  
19 46 diagnostic and statistical manual of mental disorders  
19 47 published by the American psychiatric association that  
19 48 results in a functional impairment.

19 49 Sec. 26. Section 125.2, subsection 9, Code 2011, is  
19 50 amended to read as follows:



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20 1 9. "Facility" means an institution, a  
20 2 detoxification center, or an installation providing  
20 3 care, maintenance and treatment for ~~substance abusers~~  
~~20 4 persons with substance-related disorders~~ licensed  
20 5 by the department under section 125.13, hospitals  
20 6 licensed under chapter 135B, or the state mental health  
20 7 institutes designated by chapter 226.

20 8 Sec. 27. Section 125.2, subsections 13, 17, and 18,  
20 9 Code 2011, are amended by striking the subsections.

20 10 Sec. 28. Section 125.9, subsections 2 and 4, Code  
20 11 2011, are amended to read as follows:

20 12 2. Make contracts necessary or incidental to the  
20 13 performance of the duties and the execution of the  
20 14 powers of the director, including contracts with public  
20 15 and private agencies, organizations and individuals  
20 16 to pay them for services rendered or furnished to  
20 17 ~~substance abusers, chronic substance abusers, or~~  
~~20 18 intoxicated persons~~ persons with substance-related  
20 19 disorders.

20 20 4. Coordinate the activities of the department and  
20 21 cooperate with substance abuse programs in this and  
20 22 other states, and make contracts and other joint or  
20 23 cooperative arrangements with state, local or private  
20 24 agencies in this and other states for the treatment  
20 25 of ~~substance abusers, chronic substance abusers, and~~  
~~20 26 intoxicated persons~~ persons with substance-related  
20 27 disorders and for the common advancement of substance  
20 28 abuse programs.

20 29 Sec. 29. Section 125.10, subsections 2, 3, 4, 5,  
20 30 7, 8, 9, 11, 13, 15, and 17, Code 2011, are amended to  
20 31 read as follows:

20 32 2. Develop, encourage, and foster statewide,  
20 33 regional and local plans and programs for the  
20 34 prevention of substance ~~abuse~~ misuse and the treatment  
20 35 of ~~substance abusers, chronic substance abusers, and~~  
~~20 36 intoxicated persons~~ persons with substance-related  
20 37 disorders in cooperation with public and private  
20 38 agencies, organizations and individuals, and provide  
20 39 technical assistance and consultation services for  
20 40 these purposes.

20 41 3. Coordinate the efforts and enlist the assistance  
20 42 of all public and private agencies, organizations and  
20 43 individuals interested in the prevention of substance  
20 44 abuse and the treatment of ~~substance abusers, chronic~~  
~~20 45 substance abusers, and intoxicated persons~~ persons with  
20 46 substance-related disorders.

20 47 4. Cooperate with the department of human  
20 48 services and the Iowa department of public health  
20 49 in establishing and conducting programs to provide  
20 50 treatment for ~~substance abusers, chronic substance~~



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~~21 1 abusers, and intoxicated persons~~ persons with  
~~21 2 substance=related disorders.~~  
21 3 5. Cooperate with the department of education,  
21 4 boards of education, schools, police departments,  
21 5 courts, and other public and private agencies,  
21 6 organizations, and individuals in establishing programs  
21 7 for the prevention of substance abuse and the treatment  
21 8 of ~~substance abusers, chronic substance abusers, and~~  
~~21 9 intoxicated persons~~ persons with substance=related  
~~21 10 disorders, and in preparing relevant curriculum~~  
21 11 materials for use at all levels of school education.  
21 12 7. Develop and implement, as an integral part  
21 13 of treatment programs, an educational program for  
21 14 use in the treatment of ~~substance abusers, chronic~~  
~~21 15 substance abusers, and intoxicated persons~~ persons  
~~21 16 with substance=related disorders, which program shall~~  
21 17 include the dissemination of information concerning the  
21 18 nature and effects of ~~chemical~~ substances.  
21 19 8. Organize and implement, in cooperation with  
21 20 local treatment programs, training programs for all  
21 21 persons engaged in treatment of ~~substance abusers,~~  
~~21 22 chronic substance abusers, and intoxicated persons~~  
~~21 23 persons with substance=related disorders.~~  
21 24 9. Sponsor and implement research in cooperation  
21 25 with local treatment programs into the causes and  
21 26 nature of substance ~~abuse~~ misuse and treatment of  
21 27 ~~substance abusers, chronic substance abusers, and~~  
~~21 28 intoxicated persons~~ persons with substance=related  
~~21 29 disorders, and serve as a clearing house for~~  
21 30 information relating to substance abuse.  
21 31 11. Develop and implement, with the counsel and  
21 32 approval of the board, the comprehensive plan for  
21 33 treatment of ~~substance abusers, chronic substance~~  
~~21 34 abusers, and intoxicated persons~~ persons with  
~~21 35 substance=related disorders~~ in accordance with this  
21 36 chapter.  
21 37 13. Utilize the support and assistance of  
21 38 interested persons in the community, particularly  
21 39 ~~recovered substance abusers and chronic substance~~  
~~21 40 abusers,~~ persons who are recovering from  
~~21 41 substance=related disorders to encourage substance~~  
~~21 42 abusers and chronic substance abusers~~ persons with  
~~21 43 substance=related disorders~~ to voluntarily undergo  
21 44 treatment.  
21 45 15. Encourage general hospitals and other  
21 46 appropriate health facilities to admit without  
21 47 discrimination ~~substance abusers, chronic substance~~  
~~21 48 abusers, and intoxicated persons~~ persons with  
~~21 49 substance=related disorders~~ and to provide them with  
21 50 adequate and appropriate treatment. The director may



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22 1 negotiate and implement contracts with hospitals and  
22 2 other appropriate health facilities with adequate  
22 3 detoxification facilities.

22 4 17. Review all state health, welfare, education and  
22 5 treatment proposals to be submitted for federal funding  
22 6 under federal legislation, and advise the governor on  
22 7 provisions to be included relating to substance abuse,  
22 8 ~~substance abusers, chronic substance abusers, and~~  
~~22 9 intoxicated persons and persons with substance-related~~  
22 10 ~~disorders.~~

22 11 Sec. 30. Section 125.12, subsections 1 and 3, Code  
22 12 2011, are amended to read as follows:

22 13 1. The board shall review the comprehensive  
22 14 substance abuse program implemented by the department  
22 15 for the treatment of ~~substance abusers, chronic~~  
~~22 16 substance abusers, intoxicated persons~~ persons with  
~~22 17 substance-related disorders,~~ and concerned family  
22 18 members. Subject to the review of the board, the  
22 19 director shall divide the state into appropriate  
22 20 regions for the conduct of the program and establish  
22 21 standards for the development of the program on  
22 22 the regional level. In establishing the regions,  
22 23 consideration shall be given to city and county lines,  
22 24 population concentrations, and existing substance abuse  
22 25 treatment services.

22 26 3. The director shall provide for adequate and  
22 27 appropriate treatment for ~~substance abusers, chronic~~  
~~22 28 substance abusers, intoxicated persons~~ persons with  
~~22 29 substance-related disorders,~~ and concerned family  
22 30 members admitted under sections 125.33 and 125.34, or  
22 31 under section 125.75, 125.81, or 125.91. Treatment  
22 32 shall not be provided at a correctional institution  
22 33 except for inmates.

22 34 Sec. 31. Section 125.13, subsection 1, paragraph a,  
22 35 Code 2011, is amended to read as follows:

22 36 a. Except as provided in subsection 2, a person  
22 37 shall not maintain or conduct any chemical substitutes  
22 38 or antagonists program, residential program, or  
22 39 nonresidential outpatient program, the primary purpose  
22 40 of which is the treatment and rehabilitation of  
22 41 ~~substance abusers or chronic substance abusers~~ persons  
~~22 42 with substance-related disorders~~ without having first  
22 43 obtained a written license for the program from the  
22 44 department.

22 45 Sec. 32. Section 125.13, subsection 2, paragraphs a  
22 46 and c, Code 2011, are amended to read as follows:

22 47 a. A hospital providing care or treatment to  
22 48 ~~substance abusers or chronic substance abusers~~ persons  
~~22 49 with substance-related disorders~~ licensed under chapter  
22 50 135B which is accredited by the joint commission



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23 1 on the accreditation of health care organizations,  
23 2 the commission on accreditation of rehabilitation  
23 3 facilities, the American osteopathic association, or  
23 4 another recognized organization approved by the board.  
23 5 All survey reports from the accrediting or licensing  
23 6 body must be sent to the department.

23 7 c. Private institutions conducted by and  
23 8 for persons who adhere to the faith of any well  
23 9 recognized church or religious denomination for the  
23 10 purpose of providing care, treatment, counseling,  
23 11 or rehabilitation to ~~substance abusers or chronic~~

~~23 12 substance abusers~~ persons with substance-related  
23 13 disorders and who rely solely on prayer or other  
23 14 spiritual means for healing in the practice of religion  
23 15 of such church or denomination.

23 16 Sec. 33. Section 125.15, Code 2011, is amended to  
23 17 read as follows:

23 18 125.15 Inspections.

23 19 The department may inspect the facilities and review  
23 20 the procedures utilized by any chemical substitutes  
23 21 or antagonists program, residential program, or  
23 22 nonresidential outpatient program that has as a  
23 23 primary purpose the treatment and rehabilitation of  
23 24 ~~substance abusers or chronic substance abusers~~ persons  
23 25 with substance-related disorders, for the purpose of  
23 26 ensuring compliance with this chapter and the rules  
23 27 adopted pursuant to this chapter. The examination  
23 28 and review may include case record audits and  
23 29 interviews with staff and patients, consistent with the  
23 30 confidentiality safeguards of state and federal law.

23 31 Sec. 34. Section 125.32, unnumbered paragraph 1,  
23 32 Code 2011, is amended to read as follows:

23 33 The department shall adopt and may amend and repeal  
23 34 rules for acceptance of persons into the treatment  
23 35 program, subject to chapter 17A, considering available  
23 36 treatment resources and facilities, for the purpose of  
23 37 early and effective treatment of ~~substance abusers,~~  
23 38 ~~chronic substance abusers, intoxicated persons,~~ persons  
23 39 with substance-related disorders and concerned family  
23 40 members. In establishing the rules the department  
23 41 shall be guided by the following standards:

23 42 Sec. 35. Section 125.33, subsections 1, 3, and 4,  
23 43 Code 2011, are amended to read as follows:

23 44 1. A ~~substance abuser or chronic substance abuser~~  
23 45 ~~person with a substance-related disorder~~ may apply  
23 46 for voluntary treatment or rehabilitation services  
23 47 directly to a facility or to a licensed physician and  
23 48 surgeon or osteopathic physician and surgeon. If the  
23 49 proposed patient is a minor or an incompetent person, a  
23 50 parent, a legal guardian or other legal representative





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24 1 may make the application. The licensed physician  
24 2 and surgeon or osteopathic physician and surgeon or  
24 3 any employee or person acting under the direction or  
24 4 supervision of the physician and surgeon or osteopathic  
24 5 physician and surgeon, or the facility shall not  
24 6 report or disclose the name of the person or the fact  
24 7 that treatment was requested or has been undertaken  
24 8 to any law enforcement officer or law enforcement  
24 9 agency; nor shall such information be admissible as  
24 10 evidence in any court, grand jury, or administrative  
24 11 proceeding unless authorized by the person seeking  
24 12 treatment. If the person seeking such treatment or  
24 13 rehabilitation is a minor who has personally made  
24 14 application for treatment, the fact that the minor  
24 15 sought treatment or rehabilitation or is receiving  
24 16 treatment or rehabilitation services shall not be  
24 17 reported or disclosed to the parents or legal guardian  
24 18 of such minor without the minor's consent, and the  
24 19 minor may give legal consent to receive such treatment  
24 20 and rehabilitation.

24 21 3. A ~~substance abuser or chronic substance abuser~~  

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24 22 person with a substance-related disorder seeking  
24 23 treatment or rehabilitation and who is either addicted  
24 24 or dependent on a chemical substance may first be  
24 25 examined and evaluated by a licensed physician and  
24 26 surgeon or osteopathic physician and surgeon who may  
24 27 prescribe a proper course of treatment and medication,  
24 28 if needed. The licensed physician and surgeon  
24 29 or osteopathic physician and surgeon may further  
24 30 prescribe a course of treatment or rehabilitation  
24 31 and authorize another licensed physician and surgeon  
24 32 or osteopathic physician and surgeon or facility to  
24 33 provide the prescribed treatment or rehabilitation  
24 34 services. Treatment or rehabilitation services may  
24 35 be provided to a person individually or in a group.  
24 36 A facility providing or engaging in treatment or  
24 37 rehabilitation shall not report or disclose to a law  
24 38 enforcement officer or law enforcement agency the name  
24 39 of any person receiving or engaged in the treatment  
24 40 or rehabilitation; nor shall a person receiving or  
24 41 participating in treatment or rehabilitation report  
24 42 or disclose the name of any other person engaged in  
24 43 or receiving treatment or rehabilitation or that the  
24 44 program is in existence, to a law enforcement officer  
24 45 or law enforcement agency. Such information shall  
24 46 not be admitted in evidence in any court, grand jury,  
24 47 or administrative proceeding. However, a person  
24 48 engaged in or receiving treatment or rehabilitation  
24 49 may authorize the disclosure of the person's name and  
24 50 individual participation.



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25 1 4. If a patient receiving inpatient or residential  
25 2 care leaves a facility, the patient shall be encouraged  
25 3 to consent to appropriate outpatient or halfway house  
25 4 treatment. If it appears to the administrator in  
25 5 charge of the facility that the patient is a ~~substance~~  
~~25 6 abuser or chronic substance abuser~~ person with a  
25 7 ~~substance=related disorder~~ who requires help, the  
25 8 director may arrange for assistance in obtaining  
25 9 supportive services.

25 10 Sec. 36. Section 125.34, Code 2011, is amended to  
25 11 read as follows:

25 12 125.34 Treatment and services for ~~intoxicated~~  
~~25 13 persons and persons incapacitated by alcohol~~ persons  
25 14 with substance=related disorders due to intoxication and  
25 15 substance=induced incapacitation.

25 16 1. ~~An intoxicated~~ A person with a substance=related  
25 17 disorder due to intoxication or substance=induced  
25 18 incapacitation may come voluntarily to a facility  
25 19 for emergency treatment. A person who appears to be  
25 20 intoxicated or incapacitated by a ~~chemical~~ substance  
25 21 in a public place and in need of help may be taken to a  
25 22 facility by a peace officer under section 125.91. If  
25 23 the person refuses the proffered help, the person may  
25 24 be arrested and charged with intoxication under section  
25 25 123.46, if applicable.

25 26 2. If no facility is readily available the  
25 27 person may be taken to an emergency medical service  
25 28 customarily used for incapacitated persons. The  
25 29 peace officer in detaining the person and in taking  
25 30 the person to a facility shall make every reasonable  
25 31 effort to protect the person's health and safety. In  
25 32 detaining the person the detaining officer may take  
25 33 reasonable steps for self=protection. Detaining a  
25 34 person under section 125.91 is not an arrest and no  
25 35 entry or other record shall be made to indicate that  
25 36 the person who is detained has been arrested or charged  
25 37 with a crime.

25 38 3. A person who arrives at a facility and  
25 39 voluntarily submits to examination shall be examined  
25 40 by a licensed physician as soon as possible after the  
25 41 person arrives at the facility. The person may then  
25 42 be admitted as a patient or referred to another health  
25 43 facility. The referring facility shall arrange for  
25 44 transportation.

25 45 4. If a person is voluntarily admitted to a  
25 46 facility, the person's family or next of kin shall be  
25 47 notified as promptly as possible. If an adult patient  
25 48 who is not incapacitated requests that there be no  
25 49 notification, the request shall be respected.

25 50 5. A peace officer who acts in compliance with



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26 1 this section is acting in the course of the officer's  
26 2 official duty and is not criminally or civilly liable  
26 3 therefor, unless such acts constitute willful malice  
26 4 or abuse.

26 5 6. If the physician in charge of the facility  
26 6 determines it is for the patient's benefit, the patient  
26 7 shall be encouraged to agree to further diagnosis and  
26 8 appropriate voluntary treatment.

26 9 7. A licensed physician and surgeon or osteopathic  
26 10 physician and surgeon, facility administrator, or an  
26 11 employee or a person acting as or on behalf of the  
26 12 facility administrator, is not criminally or civilly  
26 13 liable for acts in conformity with this chapter, unless  
26 14 the acts constitute willful malice or abuse.

26 15 Sec. 37. Section 125.43, Code 2011, is amended to  
26 16 read as follows:

26 17 125.43 Funding at mental health institutes.

26 18 Chapter 230 governs the determination of the

26 19 costs and payment for treatment provided to ~~substance~~

~~26 20 abusers or chronic substance abusers~~ persons with

26 21 substance-related disorders in a mental health

26 22 institute under the department of human services,

26 23 except that the charges are not a lien on real estate

26 24 owned by persons legally liable for support of the

26 25 ~~substance abuser or chronic substance abuser~~ person

~~26 26 with a substance-related disorder~~ and the daily per

26 27 diem shall be billed at twenty-five percent. The

26 28 superintendent of a state hospital shall total only

26 29 those expenditures which can be attributed to the

26 30 cost of providing inpatient treatment to ~~substance~~

~~26 31 abusers or chronic substance abusers~~ persons with

26 32 substance-related disorders for purposes of determining

26 33 the daily per diem. Section 125.44 governs the

26 34 determination of who is legally liable for the cost

26 35 of care, maintenance, and treatment of a ~~substance~~

~~26 36 abuser or chronic substance abuser~~ person with a

26 37 substance-related disorder and of the amount for which

26 38 the person is liable.

26 39 Sec. 38. Section 125.43A, Code 2011, is amended to

26 40 read as follows:

26 41 125.43A Prescreening ==== exception.

26 42 Except in cases of medical emergency or

26 43 court-ordered admissions, a person shall be admitted

26 44 to a state mental health institute for substance

26 45 abuse treatment only after a preliminary intake and

26 46 assessment by a department-licensed treatment facility

26 47 or a hospital providing care or treatment for ~~substance~~

~~26 48 abusers~~ persons with substance-related disorders

26 49 licensed under chapter 135B and accredited by the

26 50 joint commission on the accreditation of health care



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27 1 organizations, the commission on accreditation of  
27 2 rehabilitation facilities, the American osteopathic  
27 3 association, or another recognized organization  
27 4 approved by the board, or by a designee of a  
27 5 department=licensed treatment facility or a hospital  
27 6 other than a state mental health institute, which  
27 7 confirms that the admission is appropriate to the  
27 8 person's substance abuse service needs. A county board  
27 9 of supervisors may seek an admission of a patient  
27 10 to a state mental health institute who has not been  
27 11 confirmed for appropriate admission and the county  
27 12 shall be responsible for one hundred percent of the  
27 13 cost of treatment and services of the patient.

27 14 Sec. 39. Section 125.44, Code 2011, is amended to  
27 15 read as follows:

27 16 125.44 Agreements with facilities ==== liability for  
27 17 costs.

27 18 The director may, consistent with the comprehensive  
27 19 substance abuse program, enter into written  
27 20 agreements with a facility as defined in section  
27 21 125.2 to pay for one hundred percent of the cost of  
27 22 the care, maintenance, and treatment of ~~substance~~  
~~27 23 abusers and chronic substance abusers~~ persons with  
27 24 substance=related disorders, except when section  
27 25 125.43A applies. All payments for state patients shall  
27 26 be made in accordance with the limitations of this  
27 27 section. Such contracts shall be for a period of no  
27 28 more than one year.

27 29 The contract may be in the form and contain  
27 30 provisions as agreed upon by the parties. The contract  
27 31 shall provide that the facility shall admit and  
27 32 treat ~~substance abusers and chronic substance abusers~~  
~~27 33 persons with substance=related disorders~~ regardless  
27 34 of where they have residence. If one payment for  
27 35 care, maintenance, and treatment is not made by the  
27 36 patient or those legally liable for the patient, the  
27 37 payment shall be made by the department directly to  
27 38 the facility. Payments shall be made each month and  
27 39 shall be based upon the rate of payment for services  
27 40 negotiated between the department and the contracting  
27 41 facility. If a facility projects a temporary cash flow  
27 42 deficit, the department may make cash advances at the  
27 43 beginning of each fiscal year to the facility. The  
27 44 repayment schedule for advances shall be part of the  
27 45 contract between the department and the facility. This  
27 46 section does not pertain to patients treated at the  
27 47 mental health institutes.

27 48 If the appropriation to the department is  
27 49 insufficient to meet the requirements of this section,  
27 50 the department shall request a transfer of funds and



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28 1 section 8.39 shall apply.

28 2 The ~~substance abuser or chronic substance abuser~~

~~28 3 person with a substance-related disorder~~ is legally

28 4 liable to the facility for the total amount of the cost

28 5 of providing care, maintenance, and treatment for the

28 6 ~~substance abuser or chronic substance abuser person~~

28 7 ~~with a substance-related disorder~~ while a voluntary or

28 8 committed patient in a facility. This section does not

28 9 prohibit any individual from paying any portion of the

28 10 cost of treatment.

28 11 The department is liable for the cost of

28 12 care, treatment, and maintenance of ~~substance~~

~~28 13 abusers and chronic substance abusers~~ persons with

28 14 ~~substance-related disorders~~ admitted to the facility

28 15 voluntarily or pursuant to section 125.75, 125.81,

28 16 or 125.91 or section 321J.3 or 124.409 only to those

28 17 facilities that have a contract with the department

28 18 under this section, only for the amount computed

28 19 according to and within the limits of liability

28 20 prescribed by this section, and only when the ~~substance~~

~~28 21 abuser or chronic substance abuser person~~ with a

28 22 ~~substance-related disorder~~ is unable to pay the costs

28 23 and there is no other person, firm, corporation, or

28 24 insurance company bound to pay the costs.

28 25 The department's maximum liability for the costs

28 26 of care, treatment, and maintenance of ~~substance~~

~~28 27 abusers and chronic substance abusers~~ persons with

28 28 ~~substance-related disorders~~ in a contracting facility

28 29 is limited to the total amount agreed upon by the

28 30 parties and specified in the contract under this

28 31 section.

28 32 Sec. 40. Section 125.46, Code 2011, is amended to

28 33 read as follows:

28 34 125.46 County of residence determined.

28 35 The facility shall, when a ~~substance abuser~~

~~28 36 or chronic substance abuser person~~ with a

28 37 ~~substance-related disorder~~ is admitted, or as

28 38 soon thereafter as it receives the proper information,

28 39 determine and enter upon its records the Iowa county of

28 40 residence of the ~~substance abuser or chronic substance~~

~~28 41 abuser person~~ with a ~~substance-related disorder~~, or

28 42 that the person resides in some other state or country,

28 43 or that the person is unclassified with respect to

28 44 residence.

28 45 Sec. 41. Section 125.75, unnumbered paragraph 1,

28 46 Code 2011, is amended to read as follows:

28 47 Proceedings for the involuntary commitment or

28 48 treatment of a ~~chronic substance abuser person~~ with

28 49 ~~a substance-related disorder~~ to a facility may be

28 50 commenced by the county attorney or an interested



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29 1 person by filing a verified application with the  
29 2 clerk of the district court of the county where  
29 3 the respondent is presently located or which is  
29 4 the respondent's place of residence. The clerk or  
29 5 the clerk's designee shall assist the applicant in  
29 6 completing the application. The application shall:  
29 7     Sec. 42. Section 125.75, subsection 1, Code 2011,  
29 8 is amended to read as follows:  
29 9     1. State the applicant's belief that the  
29 10 respondent is a ~~chronic substance abuser~~ person with a  
29 11 substance-related disorder.  
29 12     Sec. 43. Section 125.80, subsections 3 and 4, Code  
29 13 2011, are amended to read as follows:  
29 14     3. If the report of a court-designated physician  
29 15 is to the effect that the respondent is not a ~~chronic~~  
29 16 ~~substance abuser~~ person with a substance-related  
29 17 disorder, the court, without taking further action, may  
29 18 terminate the proceeding and dismiss the application on  
29 19 its own motion and without notice.  
29 20     4. If the report of a court-designated physician  
29 21 is to the effect that the respondent is a ~~chronic~~  
29 22 ~~substance abuser~~ person with a substance-related  
29 23 disorder, the court shall schedule a commitment  
29 24 hearing as soon as possible. The hearing shall be  
29 25 held not more than forty-eight hours after the report  
29 26 is filed, excluding Saturdays, Sundays, and holidays,  
29 27 unless an extension for good cause is requested by  
29 28 the respondent, or as soon thereafter as possible if  
29 29 the court considers that sufficient grounds exist for  
29 30 delaying the hearing.  
29 31     Sec. 44. Section 125.81, subsection 1, Code 2011,  
29 32 is amended to read as follows:  
29 33     1. If a person filing an application requests that  
29 34 a respondent be taken into immediate custody, and the  
29 35 court upon reviewing the application and accompanying  
29 36 documentation, finds probable cause to believe that the  
29 37 respondent is a ~~chronic substance abuser~~ person with  
29 38 a substance-related disorder who is likely to injure  
29 39 the person or other persons if allowed to remain at  
29 40 liberty, the court may enter a written order directing  
29 41 that the respondent be taken into immediate custody  
29 42 by the sheriff, and be detained until the commitment  
29 43 hearing, which shall be held no more than five days  
29 44 after the date of the order, except that if the fifth  
29 45 day after the date of the order is a Saturday, Sunday,  
29 46 or a holiday, the hearing may be held on the next  
29 47 business day. The court may order the respondent  
29 48 detained for the period of time until the hearing is  
29 49 held, and no longer except as provided in section  
29 50 125.88, in accordance with subsection 2, paragraph



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30 1 "a", if possible, and if not, then in accordance with  
30 2 subsection 2, paragraph "b", or, only if neither of  
30 3 these alternatives is available in accordance with  
30 4 subsection 2, paragraph "c".  
30 5 Sec. 45. Section 125.82, subsection 4, Code 2011,  
30 6 is amended to read as follows:  
30 7 4. The respondent's welfare is paramount, and the  
30 8 hearing shall be tried as a civil matter and conducted  
30 9 in as informal a manner as is consistent with orderly  
30 10 procedure. Discovery as permitted under the Iowa rules  
30 11 of civil procedure is available to the respondent. The  
30 12 court shall receive all relevant and material evidence,  
30 13 but the court is not bound by the rules of evidence.  
30 14 A presumption in favor of the respondent exists, and  
30 15 the burden of evidence and support of the contentions  
30 16 made in the application shall be upon the person who  
30 17 filed the application. If upon completion of the  
30 18 hearing the court finds that the contention that the  
30 19 respondent is a ~~chronic substance abuser~~ person with a  
30 20 substance-related disorder has not been sustained by  
30 21 clear and convincing evidence, the court shall deny the  
30 22 application and terminate the proceeding.  
30 23 Sec. 46. Section 125.83, Code 2011, is amended to  
30 24 read as follows:  
30 25 125.83 Placement for evaluation.  
30 26 If upon completion of the commitment hearing,  
30 27 the court finds that the contention that the  
30 28 respondent is a ~~chronic substance abuser~~ person with  
30 29 a substance-related disorder has been sustained by  
30 30 clear and convincing evidence, the court shall order  
30 31 the respondent placed at a facility or under the  
30 32 care of a suitable facility on an outpatient basis as  
30 33 expeditiously as possible for a complete evaluation  
30 34 and appropriate treatment. The court shall furnish to  
30 35 the facility at the time of admission or outpatient  
30 36 placement, a written statement of facts setting forth  
30 37 the evidence on which the finding is based. The  
30 38 administrator of the facility shall report to the court  
30 39 no more than fifteen days after the individual is  
30 40 admitted to or placed under the care of the facility,  
30 41 which shall include the chief medical officer's  
30 42 recommendation concerning substance abuse treatment.  
30 43 An extension of time may be granted for a period not  
30 44 to exceed seven days upon a showing of good cause. A  
30 45 copy of the report shall be sent to the respondent's  
30 46 attorney who may contest the need for an extension of  
30 47 time if one is requested. If the request is contested,  
30 48 the court shall make an inquiry as it deems appropriate  
30 49 and may either order the respondent released from  
30 50 the facility or grant extension of time for further



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31 1 evaluation. If the administrator fails to report to  
31 2 the court within fifteen days after the individual is  
31 3 admitted to the facility, and no extension of time has  
31 4 been requested, the administrator is guilty of contempt  
31 5 and shall be punished under chapter 665. The court  
31 6 shall order a rehearing on the application to determine  
31 7 whether the respondent should continue to be held at  
31 8 the facility.

31 9       Sec. 47. Section 125.83A, subsection 1, Code 2011,  
31 10 is amended to read as follows:

31 11       1. If upon completion of the commitment hearing,  
31 12 the court finds that the contention that the  
31 13 respondent is a ~~chronic substance abuser~~ person with a  
31 14 substance-related disorder has been sustained by clear

31 15 and convincing evidence, and the court is furnished  
31 16 evidence that the respondent is eligible for care  
31 17 and treatment in a facility operated by the United  
31 18 States department of veterans affairs or another  
31 19 agency of the United States government and that the  
31 20 facility is willing to receive the respondent, the  
31 21 court may so order. The respondent, when so placed in  
31 22 a facility operated by the United States department  
31 23 of veterans affairs or another agency of the United  
31 24 States government within or outside of this state,  
31 25 shall be subject to the rules of the United States  
31 26 department of veterans affairs or other agency, but  
31 27 shall not lose any procedural rights afforded the  
31 28 respondent by this chapter. The chief officer of the  
31 29 facility shall have, with respect to the respondent  
31 30 so placed, the same powers and duties as the chief  
31 31 medical officer of a hospital in this state would  
31 32 have in regard to submission of reports to the court,  
31 33 retention of custody, transfer, convalescent leave, or  
31 34 discharge. Jurisdiction is retained in the court to  
31 35 maintain surveillance of the respondent's treatment and  
31 36 care, and at any time to inquire into the respondent's  
31 37 condition and the need for continued care and custody.

31 38       Sec. 48. Section 125.84, subsections 2, 3, and 4,  
31 39 Code 2011, are amended to read as follows:

31 40       2. That the respondent is a ~~chronic substance~~  
31 41 ~~abuser~~ person with a substance-related disorder who  
31 42 is in need of full-time custody, care, and treatment  
31 43 in a facility, and is considered likely to benefit  
31 44 from treatment. If the report so states, the court  
31 45 shall enter an order which may require the respondent's  
31 46 continued placement and commitment to a facility for  
31 47 appropriate treatment.

31 48       3. That the respondent is a ~~chronic substance~~  
31 49 ~~abuser~~ person with a substance-related disorder who is  
31 50 in need of treatment, but does not require full-time





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32 1 placement in a facility. If the report so states,  
32 2 the report shall include the chief medical officer's  
32 3 recommendation for treatment of the respondent on an  
32 4 outpatient or other appropriate basis, and the court  
32 5 shall enter an order which may direct the respondent to  
32 6 submit to the recommended treatment. The order shall  
32 7 provide that if the respondent fails or refuses to  
32 8 submit to treatment, as directed by the court's order,  
32 9 the court may order that the respondent be taken into  
32 10 immediate custody as provided by section 125.81 and,  
32 11 following notice and hearing held in accordance with  
32 12 the procedures of sections 125.77 and 125.82, may order  
32 13 the respondent treated as a patient requiring full-time  
32 14 custody, care, and treatment as provided in subsection  
32 15 2, and may order the respondent involuntarily committed  
32 16 to a facility.

32 17 4. That the respondent is a ~~chronic substance~~  
~~32 18 abuser~~ person with a substance-related disorder who is  
32 19 in need of treatment, but in the opinion of the chief  
32 20 medical officer is not responding to the treatment  
32 21 provided. If the report so states, the report shall  
32 22 include the facility administrator's recommendation  
32 23 for alternative placement, and the court shall enter  
32 24 an order which may direct the respondent's transfer  
32 25 to the recommended placement or to another placement  
32 26 after consultation with respondent's attorney and the  
32 27 facility administrator who made the report under this  
32 28 subsection.

32 29 Sec. 49. Section 125.91, subsections 1, 2, and 3,  
32 30 Code 2011, are amended to read as follows:

32 31 1. The procedure prescribed by this section  
32 32 shall only be used for ~~an intoxicated~~ a person with  
32 33 a substance-related disorder due to intoxication or  
32 34 substance-induced incapacitation who has threatened,  
32 35 attempted, or inflicted physical self-harm or harm on  
32 36 another, and is likely to inflict physical self-harm or  
32 37 harm on another unless immediately detained, or who is  
32 38 incapacitated by a ~~chemical~~ substance, if that person  
32 39 cannot be taken into immediate custody under sections  
32 40 125.75 and 125.81 because immediate access to the court  
32 41 is not possible.

32 42 2. a. A peace officer who has reasonable  
32 43 grounds to believe that the circumstances described  
32 44 in subsection 1 are applicable may, without a  
32 45 warrant, take or cause that person to be taken to the  
32 46 nearest available facility referred to in section  
32 47 125.81, subsection 2, paragraph "b" or "c". Such  
32 48 ~~an intoxicated or incapacitated~~ a person with a  
32 49 substance-related disorder due to intoxication or  
32 50 substance-induced incapacitation who also demonstrates



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33 1 a significant degree of distress or dysfunction may  
33 2 also be delivered to a facility by someone other than  
33 3 a peace officer upon a showing of reasonable grounds.  
33 4 Upon delivery of the person to a facility under this  
33 5 section, the examining physician may order treatment  
33 6 of the person, but only to the extent necessary to  
33 7 preserve the person's life or to appropriately control  
33 8 the person's behavior if the behavior is likely to  
33 9 result in physical injury to the person or others  
33 10 if allowed to continue. The peace officer or other  
33 11 person who delivered the person to the facility  
33 12 shall describe the circumstances of the matter to  
33 13 the examining physician. If the person is a peace  
33 14 officer, the peace officer may do so either in person  
33 15 or by written report. If the examining physician has  
33 16 reasonable grounds to believe that the circumstances in  
33 17 subsection 1 are applicable, the examining physician  
33 18 shall at once communicate with the nearest available  
33 19 magistrate as defined in section 801.4, subsection 10.  
33 20 The magistrate shall, based upon the circumstances  
33 21 described by the examining physician, give the  
33 22 examining physician oral instructions either directing  
33 23 that the person be released forthwith, or authorizing  
33 24 the person's detention in an appropriate facility.  
33 25 The magistrate may also give oral instructions and  
33 26 order that the detained person be transported to an  
33 27 appropriate facility.

33 28     b. If the magistrate orders that the person be  
33 29 detained, the magistrate shall, by the close of  
33 30 business on the next working day, file a written order  
33 31 with the clerk in the county where it is anticipated  
33 32 that an application may be filed under section 125.75.  
33 33 The order may be filed by facsimile if necessary. The  
33 34 order shall state the circumstances under which the  
33 35 person was taken into custody or otherwise brought to  
33 36 a facility and the grounds supporting the finding of  
33 37 probable cause to believe that the person is a ~~chronic~~  
~~33 38 substance abuser~~ person with a substance-related  
33 39 disorder likely to result in physical injury to the  
33 40 person or others if not detained. The order shall  
33 41 confirm the oral order authorizing the person's  
33 42 detention including any order given to transport the  
33 43 person to an appropriate facility. The clerk shall  
33 44 provide a copy of that order to the ~~chief medical~~  
~~33 45 officer of the facility attending physician,~~ to  
33 46 which the person was originally taken, any subsequent  
33 47 facility to which the person was transported, and  
33 48 to any law enforcement department or ambulance  
33 49 service that transported the person pursuant to the  
33 50 magistrate's order.



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34 1 3. The ~~chief medical officer of the facility~~  
34 2 attending physician shall examine and may detain the  
34 3 person pursuant to the magistrate's order for a period  
34 4 not to exceed forty=eight hours from the time the order  
34 5 is dated, excluding Saturdays, Sundays, and holidays,  
34 6 unless the order is dismissed by a magistrate. The  
34 7 facility may provide treatment which is necessary to  
34 8 preserve the person's life or to appropriately control  
34 9 the person's behavior if the behavior is likely to  
34 10 result in physical injury to the person or others if  
34 11 allowed to continue or is otherwise deemed medically  
34 12 necessary by the ~~chief medical officer~~ attending  
34 13 physician, but shall not otherwise provide treatment to  
34 14 the person without the person's consent. The person  
34 15 shall be discharged from the facility and released  
34 16 from detention no later than the expiration of the  
34 17 forty=eight=hour period, unless an application for  
34 18 involuntary commitment is filed with the clerk pursuant  
34 19 to section 125.75. The detention of a person by the  
34 20 procedure in this section, and not in excess of the  
34 21 period of time prescribed by this section, shall not  
34 22 render the peace officer, attending physician, or  
34 23 facility detaining the person liable in a criminal or  
34 24 civil action for false arrest or false imprisonment  
34 25 if the peace officer, physician, or facility had  
34 26 reasonable grounds to believe that the circumstances  
34 27 described in subsection 1 were applicable.

34 28 Sec. 50. Section 226.9C, subsection 2, paragraph c,  
34 29 Code 2011, is amended to read as follows:

34 30 c.(1) Prior to an individual's admission for dual  
34 31 diagnosis treatment, the individual shall have been  
34 32 prescreened. The person performing the prescreening  
34 33 shall be either the mental health professional, as  
34 34 defined in section 228.1, who is contracting with the  
34 35 county central=point=of=coordination process to provide  
34 36 the prescreening or a mental health professional  
34 37 with the requisite qualifications. A mental health  
34 38 professional with the requisite qualifications shall  
34 39 meet all of the following qualifications: is a mental  
34 40 health professional as defined in section 228.1, is  
34 41 a certified alcohol and drug counselor certified by  
34 42 the nongovernmental Iowa board of substance abuse  
34 43 certification, and is employed by or providing services  
34 44 for a facility, as defined in section 125.2.

34 45 (2) Prior to an individual's admission for dual  
34 46 diagnosis treatment, the individual shall have  
34 47 been screened through a county's central point of  
34 48 coordination process implemented pursuant to section  
34 49 331.440 to determine the appropriateness of the  
34 50 treatment.



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35 1 Sec. 51. Section 229.1, subsection 12, Code 2011,  
35 2 is amended to read as follows:

35 3 12. "Psychiatric advanced registered nurse  
35 4 practitioner" means an individual currently licensed as  
35 5 a registered nurse under chapter 152 or 152E who holds  
35 6 a national certification in psychiatric mental health  
35 7 care and who is registered with the board of nursing as  
35 8 an advanced registered nurse practitioner.

35 9 Sec. 52. Section 229.15, subsection 3, paragraph a,  
35 10 Code 2011, is amended to read as follows:

35 11 a. A psychiatric advanced registered nurse  
35 12 practitioner treating a patient previously hospitalized  
35 13 under this chapter may complete periodic reports  
35 14 pursuant to this section on the patient if the patient  
35 15 has been recommended for treatment on an outpatient or  
35 16 other appropriate basis pursuant to section 229.14,  
35 17 subsection 1, paragraph "c", ~~and if a psychiatrist~~  
~~35 18 licensed pursuant to chapter 148 personally evaluates~~  
~~35 19 the patient on at least an annual basis.~~

35 20 Sec. 53. Section 229.21, subsection 2, Code 2011,  
35 21 is amended to read as follows:

35 22 2. When an application for involuntary  
35 23 hospitalization under this chapter or an application  
35 24 for involuntary commitment or treatment of ~~chronic~~  
~~35 25 substance abusers~~ persons with substance-related  
~~35 26 disorders~~ under sections 125.75 to 125.94 is filed with  
35 27 the clerk of the district court in any county for which  
35 28 a judicial hospitalization referee has been appointed,  
35 29 and no district judge, district associate judge, or  
35 30 magistrate who is admitted to the practice of law in  
35 31 this state is accessible, the clerk shall immediately  
35 32 notify the referee in the manner required by section  
35 33 229.7 or section 125.77. The referee shall discharge  
35 34 all of the duties imposed upon the court by sections  
35 35 229.7 to 229.22 or sections 125.75 to 125.94 in the  
35 36 proceeding so initiated. Subject to the provisions of  
35 37 subsection 4, orders issued by a referee, in discharge  
35 38 of duties imposed under this section, shall have the  
35 39 same force and effect as if ordered by a district  
35 40 judge. However, any commitment to a facility regulated  
35 41 and operated under chapter 135C, shall be in accordance  
35 42 with section 135C.23.

35 43 Sec. 54. Section 229.21, subsection 3, paragraphs a  
35 44 and b, Code 2011, are amended to read as follows:

35 45 a. Any respondent with respect to whom the  
35 46 magistrate or judicial hospitalization referee has  
35 47 found the contention that the respondent is seriously  
35 48 mentally impaired or a ~~chronic substance abuser~~ person  
~~35 49 with a substance-related disorder~~ sustained by clear  
35 50 and convincing evidence presented at a hearing held



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36 1 under section 229.12 or section 125.82, may appeal from  
36 2 the magistrate's or referee's finding to a judge of the  
36 3 district court by giving the clerk notice in writing,  
36 4 within ten days after the magistrate's or referee's  
36 5 finding is made, that an appeal is taken. The appeal  
36 6 may be signed by the respondent or by the respondent's  
36 7 next friend, guardian, or attorney.

36 8 b. An order of a magistrate or judicial  
36 9 hospitalization referee with a finding that the  
36 10 respondent is seriously mentally impaired or a ~~chronic~~  
~~36 11 substance abuser~~ person with a substance-related  
~~36 12 disorder~~ shall include the following notice, located

36 13 conspicuously on the face of the order:

36 14 NOTE: The respondent may appeal from this order to a  
36 15 judge of the district court by giving written notice of  
36 16 the appeal to the clerk of the district court within  
36 17 ten days after the date of this order. The appeal may  
36 18 be signed by the respondent or by the respondent's next  
36 19 friend, guardian, or attorney. For a more complete  
36 20 description of the respondent's appeal rights, consult  
36 21 section 229.21 of the Code of Iowa or an attorney.

36 22 Sec. 55. Section 229.21, subsection 4, Code 2011,  
36 23 is amended to read as follows:

36 24 4. If the appellant is in custody under the  
36 25 jurisdiction of the district court at the time  
36 26 of service of the notice of appeal, the appellant  
36 27 shall be discharged from custody unless an order  
36 28 that the appellant be taken into immediate custody  
36 29 has previously been issued under section 229.11 or  
36 30 section 125.81, in which case the appellant shall  
36 31 be detained as provided in that section until the  
36 32 hospitalization or commitment hearing before the  
36 33 district judge. If the appellant is in the custody of  
36 34 a hospital or facility at the time of service of the  
36 35 notice of appeal, the appellant shall be discharged  
36 36 from custody pending disposition of the appeal unless  
36 37 the chief medical officer, not later than the end of  
36 38 the next secular day on which the office of the clerk  
36 39 is open and which follows service of the notice of  
36 40 appeal, files with the clerk a certification that in  
36 41 the chief medical officer's opinion the appellant is  
36 42 seriously mentally ill or a ~~substance abuser~~ person  
~~36 43 with a substance-related disorder~~. In that case, the  
36 44 appellant shall remain in custody of the hospital  
36 45 or facility until the hospitalization or commitment  
36 46 hearing before the district court.

36 47 Sec. 56. Section 230.15, unnumbered paragraph 2,  
36 48 Code 2011, is amended to read as follows:

36 49 A ~~substance abuser or chronic substance abuser~~  
~~36 50 person with a substance-related disorder~~ is legally



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37 1 liable for the total amount of the cost of providing  
37 2 care, maintenance, and treatment for the ~~substance~~  
~~37 3 abuser or chronic substance abuser~~ person with a  
37 4 ~~substance=related disorder~~ while a voluntary or  
37 5 committed patient. When a portion of the cost is paid  
37 6 by a county, the ~~substance abuser or chronic substance~~  
~~37 7 abuser~~ person with a ~~substance=related disorder~~ is  
37 8 legally liable to the county for the amount paid.  
37 9 The ~~substance abuser or chronic substance abuser~~  
~~37 10~~ person with a ~~substance=related disorder~~ shall assign  
37 11 any claim for reimbursement under any contract of  
37 12 indemnity, by insurance or otherwise, providing for  
37 13 the ~~abuser's~~ person's care, maintenance, and treatment  
37 14 in a state hospital to the state. Any payments  
37 15 received by the state from or on behalf of a ~~substance~~  
~~37 16 abuser or chronic substance abuser~~ person with a  
37 17 ~~substance=related disorder~~ shall be in part credited  
37 18 to the county in proportion to the share of the costs  
37 19 paid by the county. Nothing in this section shall be  
37 20 construed to prevent a relative or other person from  
37 21 voluntarily paying the full actual cost or any portion  
37 22 of the care and treatment of any person with mental  
37 23 illness, ~~substance abuser, or chronic substance abuser~~  
~~37 24~~ or a ~~substance=related disorder~~ as established by the  
37 25 department of human services.  
37 26 Sec. 57. Section 232.116, subsection 1, paragraph  
37 27 1, subparagraph (2), Code 2011, is amended to read as  
37 28 follows:  
37 29 (2) The parent has a severe, ~~chronic substance~~  
~~37 30 abuse problem, substance=related disorder~~ and presents  
37 31 a danger to self or others as evidenced by prior acts.  
37 32 Sec. 58. Section 600A.8, subsection 8, paragraph a,  
37 33 Code 2011, is amended to read as follows:  
37 34 a. The parent has been determined to be a ~~chronic~~  
~~37 35 substance abuser~~ person with a ~~substance=related~~  
~~37 36 disorder~~ as defined in section 125.2 and the parent has  
37 37 committed a second or subsequent domestic abuse assault  
37 38 pursuant to section 708.2A.  
37 39 Sec. 59. Section 602.4201, subsection 3, paragraph  
37 40 h, Code 2011, is amended to read as follows:  
37 41 h. Involuntary commitment or treatment of ~~substance~~  
~~37 42 abusers~~ persons with a ~~substance=related disorders~~.  
37 43 Sec. 60. IMPLEMENTATION OF ACT. Section 25B.2,  
37 44 subsection 3, shall not apply to this division of this  
37 45 Act.  
37 46 Sec. 61. EFFECTIVE DATE. This division of this Act  
37 47 takes effect July 1, 2012.>

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## Senate Amendment 3336

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1 1 Amend Senate File 522, as passed by the Senate, as  
1 2 follows:  
1 3 #1. By striking everything after the enacting clause  
1 4 and inserting:  
1 5  
1 6 <DIVISION I  
1 7 EDUCATION FINANCE  
1 8 Section 1. Section 257.1, subsection 2, paragraph  
1 9 b, Code 2011, is amended by striking the paragraph and  
1 10 inserting in lieu thereof the following:  
1 11 b. (1) The regular program foundation base per  
1 12 pupil is the following:  
1 13 (a) For the budget year commencing July 1, 2011,  
1 14 the regular program foundation base per pupil is  
1 15 eighty=seven and five=tenths percent of the regular  
1 16 program state cost per pupil.  
1 17 (b) For the budget year commencing July 1, 2012,  
1 18 the regular program foundation base per pupil is  
1 19 eighty=nine and twenty=eight hundredths percent of the  
1 20 regular program state cost per pupil.  
1 21 (c) For the budget year commencing July 1, 2013,  
1 22 the regular program foundation base per pupil is  
1 23 ninety=one and six hundredths percent of the regular  
1 24 program state cost per pupil.  
1 25 (d) For the budget year commencing July 1, 2014,  
1 26 the regular program foundation base per pupil is  
1 27 ninety=two and eighty=four hundredths percent of the  
1 28 regular program state cost per pupil.  
1 29 (e) For the budget year commencing July 1, 2015,  
1 30 the regular program foundation base per pupil is  
1 31 ninety=four and sixty=two hundredths percent of the  
1 32 regular program state cost per pupil.  
1 33 (f) For the budget year commencing July 1, 2016,  
1 34 the regular program foundation base per pupil is  
1 35 ninety=six and forty hundredths percent of the regular  
1 36 program state cost per pupil.  
1 37 (g) For the budget year commencing July 1, 2017,  
1 38 the regular program foundation base per pupil is  
1 39 ninety=eight and eighteen hundredths percent of the  
1 40 regular program state cost per pupil.  
1 41 (h) For the budget year commencing July 1, 2018,  
1 42 and succeeding budget years, the regular program  
1 43 foundation base per pupil is one hundred percent of the  
1 44 regular program state cost per pupil.  
1 45 (2) For each budget year, the special education  
1 46 support services foundation base is seventy=nine  
1 47 percent of the special education support services state  
1 48 cost per pupil. The combined foundation base is the  
1 49 sum of the regular program foundation base, the special  
1 50 education support services foundation base, the total  
teacher salary supplement district cost, the total



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2 1 professional development supplement district cost, the  
2 2 total early intervention supplement district cost, the  
2 3 total area education agency teacher salary supplement  
2 4 district cost, and the total area education agency  
2 5 professional development supplement district cost.

2 6 DIVISION II

2 7 PROPERTY ASSESSMENT LIMITATIONS

2 8 Sec. 2. Section 441.21, subsection 4, Code 2011, is  
2 9 amended to read as follows:

2 10 4. For valuations established as of January  
2 11 1, 1979, the percentage of actual value at which  
2 12 agricultural and residential property shall be assessed  
2 13 shall be the quotient of the dividend and divisor as  
2 14 defined in this section. The dividend for each class  
2 15 of property shall be the dividend as determined for  
2 16 each class of property for valuations established as  
2 17 of January 1, 1978, adjusted by the product obtained  
2 18 by multiplying the percentage determined for that year  
2 19 by the amount of any additions or deletions to actual  
2 20 value, excluding those resulting from the revaluation  
2 21 of existing properties, as reported by the assessors  
2 22 on the abstracts of assessment for 1978, plus six  
2 23 percent of the amount so determined. However, if the  
2 24 difference between the dividend so determined for  
2 25 either class of property and the dividend for that  
2 26 class of property for valuations established as of  
2 27 January 1, 1978, adjusted by the product obtained by  
2 28 multiplying the percentage determined for that year  
2 29 by the amount of any additions or deletions to actual  
2 30 value, excluding those resulting from the revaluation  
2 31 of existing properties, as reported by the assessors  
2 32 on the abstracts of assessment for 1978, is less than  
2 33 six percent, the 1979 dividend for the other class of  
2 34 property shall be the dividend as determined for that  
2 35 class of property for valuations established as of  
2 36 January 1, 1978, adjusted by the product obtained by  
2 37 multiplying the percentage determined for that year  
2 38 by the amount of any additions or deletions to actual  
2 39 value, excluding those resulting from the revaluation  
2 40 of existing properties, as reported by the assessors on  
2 41 the abstracts of assessment for 1978, plus a percentage  
2 42 of the amount so determined which is equal to the  
2 43 percentage by which the dividend as determined for the  
2 44 other class of property for valuations established as  
2 45 of January 1, 1978, adjusted by the product obtained  
2 46 by multiplying the percentage determined for that year  
2 47 by the amount of any additions or deletions to actual  
2 48 value, excluding those resulting from the revaluation  
2 49 of existing properties, as reported by the assessors  
2 50 on the abstracts of assessment for 1978, is increased





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3 1 in arriving at the 1979 dividend for the other class  
3 2 of property. The divisor for each class of property  
3 3 shall be the total actual value of all such property  
3 4 in the state in the preceding year, as reported by the  
3 5 assessors on the abstracts of assessment submitted  
3 6 for 1978, plus the amount of value added to said  
3 7 total actual value by the revaluation of existing  
3 8 properties in 1979 as equalized by the director of  
3 9 revenue pursuant to section 441.49. The director shall  
3 10 utilize information reported on abstracts of assessment  
3 11 submitted pursuant to section 441.45 in determining  
3 12 such percentage. For valuations established as of  
3 13 January 1, 1980, and each assessment year thereafter  
3 14 beginning before January 1, 2012, the percentage of  
3 15 actual value as equalized by the director of revenue  
3 16 as provided in section 441.49 at which agricultural  
3 17 and residential property shall be assessed shall be  
3 18 calculated in accordance with the methods provided  
3 19 herein including the limitation of increases in  
3 20 agricultural and residential assessed values to the  
3 21 percentage increase of the other class of property if  
3 22 the other class increases less than the allowable limit  
3 23 adjusted to include the applicable and current values  
3 24 as equalized by the director of revenue, except that  
3 25 any references to six percent in this subsection shall  
3 26 be four percent. For valuations established as of  
3 27 January 1, 2012, and each assessment year thereafter,  
3 28 the percentage of actual value as equalized by the  
3 29 director of revenue as provided in section 441.49 at  
3 30 which agricultural and residential property shall be  
3 31 assessed shall be calculated in accordance with the  
3 32 methods provided herein including the limitation of  
3 33 increases in agricultural and residential assessed  
3 34 values to the percentage increase of the other class  
3 35 of property if the other class increases less than the  
3 36 allowable limit adjusted to include the applicable and  
3 37 current values as equalized by the director of revenue,  
3 38 except that any references to six percent in this  
3 39 subsection shall be two percent.

3 40 Sec. 3. Section 441.21, subsection 5, Code 2011, is  
3 41 amended to read as follows:

3 42 5. a. ~~For valuations established as of January~~  
~~3 43 1, 1979, commercial property and industrial property,~~  
~~3 44 excluding properties referred to in section 427A.1,~~  
~~3 45 subsection 8, shall be assessed as a percentage of~~  
~~3 46 the actual value of each class of property. The~~  
~~3 47 percentage shall be determined for each class of~~  
~~3 48 property by the director of revenue for the state in~~  
~~3 49 accordance with the provisions of this section. For~~  
~~3 50 valuations established as of January 1, 1979, the~~



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~~1 percentage shall be the quotient of the dividend and  
2 divisor as defined in this section. The dividend  
3 for each class of property shall be the total actual  
4 valuation for each class of property established for  
5 1978, plus six percent of the amount so determined.  
6 The divisor for each class of property shall be the  
7 valuation for each class of property established for  
8 1978, as reported by the assessors on the abstracts  
9 of assessment for 1978, plus the amount of value  
10 added to the total actual value by the revaluation  
11 of existing properties in 1979 as equalized by the  
12 director of revenue pursuant to section 441.49. For  
13 valuations established as of January 1, 1979, property  
14 valued by the department of revenue pursuant to  
15 chapters 428, 433, 437, and 438 shall be considered  
16 as one class of property and shall be assessed as a  
17 percentage of its actual value. The percentage shall  
18 be determined by the director of revenue in accordance  
19 with the provisions of this section. For valuations  
20 established as of January 1, 1979, the percentage  
21 shall be the quotient of the dividend and divisor as  
22 defined in this section. The dividend shall be the  
23 total actual valuation established for 1978 by the  
24 department of revenue, plus ten percent of the amount  
25 so determined. The divisor for property valued by  
26 the department of revenue pursuant to chapters 428,  
27 433, 437, and 438 shall be the valuation established  
28 for 1978, plus the amount of value added to the total  
29 actual value by the revaluation of the property by  
30 the department of revenue as of January 1, 1979.  
31 For valuations established as of January 1, 1980,  
32 commercial property and industrial property, excluding  
33 properties referred to in section 427A.1, subsection  
34 8, shall be assessed at a percentage of the actual  
35 value of each class of property. The percentage  
36 shall be determined for each class of property by  
37 the director of revenue for the state in accordance  
38 with the provisions of this section. For valuations  
39 established as of January 1, 1980, the percentage  
40 shall be the quotient of the dividend and divisor as  
41 defined in this section. The dividend for each class  
42 of property shall be the dividend as determined for  
43 each class of property for valuations established as  
44 of January 1, 1979, adjusted by the product obtained  
45 by multiplying the percentage determined for that year  
46 by the amount of any additions or deletions to actual  
47 value, excluding those resulting from the revaluation  
48 of existing properties, as reported by the assessors  
49 on the abstracts of assessment for 1979, plus four  
50 percent of the amount so determined. The divisor~~



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~~5 1 for each class of property shall be the total actual~~  
~~5 2 value of all such property in 1979, as equalized by~~  
~~5 3 the director of revenue pursuant to section 441.49,~~  
~~5 4 plus the amount of value added to the total actual~~  
~~5 5 value by the revaluation of existing properties in~~  
~~5 6 1980. The director shall utilize information reported~~  
~~5 7 on the abstracts of assessment submitted pursuant~~  
~~5 8 to section 441.45 in determining such percentage.~~  
5 9 For valuations established as of January 1, 1980,  
5 10 property valued by the department of revenue pursuant  
5 11 to chapters 428, 433, 437, and 438 shall be assessed  
5 12 at a percentage of its actual value. The percentage  
5 13 shall be determined by the director of revenue in  
5 14 accordance with the provisions of this section. For  
5 15 valuations established as of January 1, 1980, the  
5 16 percentage shall be the quotient of the dividend and  
5 17 divisor as defined in this section. The dividend shall  
5 18 be the total actual valuation established for 1979 by  
5 19 the department of revenue, plus eight percent of the  
5 20 amount so determined. The divisor for property valued  
5 21 by the department of revenue pursuant to chapters 428,  
5 22 433, 437, and 438 shall be the valuation established  
5 23 for 1979, plus the amount of value added to the total  
5 24 actual value by the revaluation of the property by  
5 25 the department of revenue as of January 1, 1980. ~~For~~  
~~5 26 valuations established as of January 1, 1981, and~~  
~~5 27 each year thereafter, the percentage of actual value~~  
~~5 28 as equalized by the director of revenue as provided~~  
~~5 29 in section 441.49 at which commercial property and~~  
~~5 30 industrial property, excluding properties referred to~~  
~~5 31 in section 427A.1, subsection 8, shall be assessed~~  
~~5 32 shall be calculated in accordance with the methods~~  
~~5 33 provided herein, except that any references to six~~  
~~5 34 percent in this subsection shall be four percent. For~~  
5 35 valuations established as of January 1, 1981, and  
5 36 each year thereafter, the percentage of actual value  
5 37 at which property valued by the department of revenue  
5 38 pursuant to chapters 428, 433, 437, and 438 shall be  
5 39 assessed shall be calculated in accordance with the  
5 40 methods provided herein, except that any references  
5 41 to ten percent in this subsection shall be eight  
5 42 percent. Beginning with valuations established as of  
5 43 January 1, 1979, and each assessment year thereafter  
5 44 beginning before January 1, 2012, property valued  
5 45 by the department of revenue pursuant to chapter 434  
5 46 shall also be assessed at a percentage of its actual  
5 47 value which percentage shall be equal to the percentage  
5 48 determined by the director of revenue for commercial  
5 49 property, industrial property, or property valued by  
5 50 the department of revenue pursuant to chapters 428,



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6 1 433, 437, and 438, whichever is lowest. Beginning  
6 2 with valuations established as of January 1, 2012,  
6 3 but before January 1, 2016, property valued by the  
6 4 department of revenue pursuant to chapter 434 that  
6 5 is not new railway property shall be assessed at a  
6 6 percentage of its actual value equal to the percentage  
6 7 of actual value at which commercial property that  
6 8 is not new commercial property is assessed for the  
6 9 same assessment year. For valuations established  
6 10 on or after January 1, 2012, but before January 1,  
6 11 2016, property valued by the department of revenue  
6 12 pursuant to chapter 434 that is new railway property  
6 13 shall be assessed at a percentage of its actual value  
6 14 equal to the percentage of actual value at which  
6 15 commercial property that is new commercial property,  
6 16 as defined in paragraph "c", is assessed for the same  
6 17 assessment year. For purposes of this section, "new  
6 18 railway property" means that portion of the actual  
6 19 value of property assessed by the director of revenue  
6 20 under chapter 434 in excess of one hundred fifty  
6 21 percent of such property's value for the assessment  
6 22 year beginning January 1, 2011, attributable to new  
6 23 construction, renovation, or rehabilitation of the  
6 24 property occurring on or after the effective date of  
6 25 this division of this Act. "New railway property" shall  
6 26 be considered a subclassification of property assessed  
6 27 by the director of revenue under chapter 434 for the  
6 28 assessment years beginning on or after January 1, 2012,  
6 29 but before January 1, 2016. For valuations established  
6 30 on or after January 1, 2016, property valued by the  
6 31 department of revenue pursuant to chapter 434 shall  
6 32 be assessed at a percentage of its actual value equal  
6 33 to the percentage of actual value at which commercial  
6 34 property is assessed for the same assessment year.  
6 35     b. For valuations established on or after January  
6 36 1, 2012, commercial property that is not new commercial  
6 37 property as defined in paragraph "c", excluding  
6 38 properties referred to in section 427A.1, subsection 8,  
6 39 shall be assessed as a percentage of the actual value,  
6 40 as determined in this paragraph.  
6 41     (1) For valuations established for the assessment  
6 42 year beginning January 1, 2012, the percentage of  
6 43 actual value as equalized by the director of revenue as  
6 44 provided in section 441.49 at which commercial property  
6 45 that is not new commercial property shall be assessed  
6 46 shall be ninety-two percent.  
6 47     (2) For valuations established for the assessment  
6 48 year beginning January 1, 2013, the percentage of  
6 49 actual value as equalized by the director of revenue as  
6 50 provided in section 441.49 at which commercial property



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7 1 that is not new commercial property shall be assessed  
7 2 shall be eighty=four percent.

7 3 (3) For valuations established for the assessment  
7 4 year beginning January 1, 2014, the percentage of  
7 5 actual value as equalized by the director of revenue as  
7 6 provided in section 441.49 at which commercial property  
7 7 that is not new commercial property shall be assessed  
7 8 shall be seventy=six percent.

7 9 (4) For valuations established for the assessment  
7 10 year beginning January 1, 2015, the percentage of  
7 11 actual value as equalized by the director of revenue as  
7 12 provided in section 441.49 at which commercial property  
7 13 that is not new commercial property shall be assessed  
7 14 shall be sixty=eight percent.

7 15 c. (1) For valuations established on or after  
7 16 January 1, 2012, but before January 1, 2016, new  
7 17 commercial property, excluding properties referred to  
7 18 in section 427A.1, subsection 8, shall be assessed as a  
7 19 percentage of the actual value, as determined in this  
7 20 paragraph "c".

7 21 (2) For valuations established for assessment years  
7 22 beginning on or after January 1, 2012, but before  
7 23 January 1, 2016, the percentage of actual value as  
7 24 equalized by the director of revenue as provided in  
7 25 section 441.49 at which commercial property that is new  
7 26 commercial property shall be assessed shall be sixty  
7 27 percent.

7 28 (3) For purposes of this section, "new commercial  
7 29 property" means that portion of the actual value of  
7 30 property in excess of one hundred fifty percent of such  
7 31 property's value for the assessment year beginning  
7 32 January 1, 2011, attributable to new construction,  
7 33 renovation, or rehabilitation of the property occurring  
7 34 on or after the effective date of this division of  
7 35 this Act, and but for this paragraph would be assessed  
7 36 under paragraph "b". "New commercial property" shall be  
7 37 considered a subclassification of commercial property  
7 38 for the assessment years beginning on or after January  
7 39 1, 2012, but before January 1, 2016.

7 40 d. (1) For valuations established on or after  
7 41 January 1, 2016, commercial property, excluding  
7 42 properties referred to in section 427A.1, subsection 8,  
7 43 shall be assessed as a percentage of the actual value  
7 44 as determined in this paragraph "d".

7 45 (2) For valuations established for the assessment  
7 46 year beginning January 1, 2016, and each assessment  
7 47 year thereafter, the percentage of actual value as  
7 48 equalized by the director of revenue as provided in  
7 49 section 441.49 at which commercial property shall be  
7 50 assessed shall be sixty percent.



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8 1 e. For valuations established on or after January  
8 2 1, 2012, industrial property that is not new industrial  
8 3 property as defined in paragraph "f", excluding  
8 4 properties referred to in section 427A.1, subsection 8,  
8 5 shall be assessed as a percentage of the actual value,  
8 6 as determined in this paragraph.

8 7 (1) For valuations established for the assessment  
8 8 year beginning January 1, 2012, the percentage of  
8 9 actual value as equalized by the director of revenue as  
8 10 provided in section 441.49 at which industrial property  
8 11 that is not new industrial property, shall be assessed  
8 12 shall be ninety=two percent.

8 13 (2) For valuations established for the assessment  
8 14 year beginning January 1, 2013, the percentage of  
8 15 actual value as equalized by the director of revenue as  
8 16 provided in section 441.49 at which industrial property  
8 17 that is not new industrial property shall be assessed  
8 18 shall be eighty=four percent.

8 19 (3) For valuations established for the assessment  
8 20 year beginning January 1, 2014, the percentage of  
8 21 actual value as equalized by the director of revenue as  
8 22 provided in section 441.49 at which industrial property  
8 23 that is not new industrial property shall be assessed  
8 24 shall be seventy=six percent.

8 25 (4) For valuations established for the assessment  
8 26 year beginning January 1, 2015, the percentage of  
8 27 actual value as equalized by the director of revenue as  
8 28 provided in section 441.49 at which industrial property  
8 29 that is not new industrial property shall be assessed  
8 30 shall be sixty=eight percent.

8 31 f. (1) For valuations established on or after  
8 32 January 1, 2012, but before January 1, 2016, new  
8 33 industrial property, excluding properties referred to  
8 34 in section 427A.1, subsection 8, shall be assessed as  
8 35 a percentage of the actual value as determined in this  
8 36 paragraph "f".

8 37 (2) For valuations established for assessment years  
8 38 beginning on or after January 1, 2012, but before  
8 39 January 1, 2016, the percentage of actual value as  
8 40 equalized by the director of revenue as provided in  
8 41 section 441.49 at which industrial property that is new  
8 42 industrial property shall be assessed shall be sixty  
8 43 percent.

8 44 (3) For purposes of this section, "new industrial  
8 45 property" means that portion of the actual value of  
8 46 property in excess of one hundred fifty percent of such  
8 47 property's value for the assessment year beginning  
8 48 January 1, 2011, attributable to new construction,  
8 49 renovation, or rehabilitation of the property occurring  
8 50 on or after the effective date of this division of



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9 1 this Act, and but for this paragraph would be assessed  
9 2 under paragraph "e". "New industrial property" shall be  
9 3 considered a subclassification of industrial property  
9 4 for the assessment years beginning on or after January  
9 5 1, 2012, but before January 1, 2016.

9 6 g. (1) For valuations established on or after  
9 7 January 1, 2016, industrial property, excluding  
9 8 properties referred to in section 427A.1, subsection 8,  
9 9 shall be assessed as a percentage of the actual value  
9 10 as determined in this paragraph "g".

9 11 (2) For valuations established for the assessment  
9 12 year beginning January 1, 2016, and each assessment  
9 13 year thereafter, the percentage of actual value as  
9 14 equalized by the director of revenue as provided in  
9 15 section 441.49 at which industrial property shall be  
9 16 assessed shall be sixty percent.

9 17 Sec. 4. Section 441.21, subsections 9 and 10, Code  
9 18 2011, are amended to read as follows:

9 19 9. Not later than November 1, 1979, and November  
9 20 1 of each subsequent year, the director shall  
9 21 certify to the county auditor of each county the  
9 22 percentages of actual value at which residential  
9 23 property, agricultural property, commercial property,  
9 24 new commercial property, industrial property, and  
9 25 new industrial property, property valued by the  
9 26 department of revenue pursuant to chapters 428, 433,  
9 27 434, 437, and 438, and new railway property in each  
9 28 assessing jurisdiction in the county shall be assessed  
9 29 for taxation. The county auditor shall proceed  
9 30 to determine the assessed values of agricultural  
9 31 property, residential property, commercial property,  
9 32 new commercial property, industrial property, and new  
9 33 industrial property, property valued by the department  
9 34 of revenue pursuant to chapters 428, 433, 434, 437,  
9 35 and 438, and new railway property by applying such  
9 36 percentages to the current actual value of such  
9 37 property, as reported to the county auditor by the  
9 38 assessor, and the assessed values so determined shall  
9 39 be the taxable values of such properties upon which the  
9 40 levy shall be made.

9 41 10. The percentage of actual value computed by  
9 42 the director for agricultural property, residential  
9 43 property, commercial property, new commercial property,  
9 44 industrial property and, new industrial property,  
9 45 property valued by the department of revenue pursuant  
9 46 to chapters 428, 433, 434, 437, and 438, and new  
9 47 railway property and used to determine assessed values  
9 48 of those classes of property does not constitute a rule  
9 49 as defined in section 17A.2, subsection 11.

9 50 Sec. 5. Section 441.21, Code 2011, is amended by



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10 1 adding the following new subsection:  
10 2     NEW SUBSECTION. 13. Notwithstanding any provision  
10 3 of law to the contrary, beginning with valuations  
10 4 established on or after January 1, 2012, as used in  
10 5 this section, "residential property" includes that  
10 6 portion of a building or structure and a proportionate  
10 7 share of the land upon which the building or structure  
10 8 is situated that is used as a primary residence by  
10 9 the person who owns the building even if the use as  
10 10 a primary residence is not the primary use of the  
10 11 building or structure. Accordingly, the assessor  
10 12 may assign more than one classification to a parcel  
10 13 of property satisfying the requirements of this  
10 14 subsection.  
10 15     Sec. 6. NEW SECTION. 441.21A Legislative intent.  
10 16     1. It is the intent of the general assembly that  
10 17 appropriations be made annually to reimburse local  
10 18 taxing authorities in this state for reductions in  
10 19 property tax collections on commercial, new commercial,  
10 20 industrial, new industrial, railway, and new railway  
10 21 property as a result of the assessment limitations  
10 22 on such property established under section 441.21,  
10 23 subsection 5, in the following amounts:  
10 24         a. For the fiscal year beginning July 1, 2013,  
10 25 fifty million dollars.  
10 26         b. For the fiscal year beginning July 1, 2014, one  
10 27 hundred million dollars.  
10 28         c. For the fiscal year beginning July 1, 2015, one  
10 29 hundred fifty million dollars.  
10 30         d. For the fiscal year beginning July 1, 2016, two  
10 31 hundred million dollars.  
10 32         e. For the fiscal year beginning July 1, 2017, and  
10 33 each fiscal year thereafter, two hundred fifty million  
10 34 dollars.  
10 35     2. The committee on ways and means of the senate  
10 36 and the committee on ways and means of the house of  
10 37 representatives shall each conduct an annual review of  
10 38 the implementation and fiscal impact of the commercial,  
10 39 new commercial, industrial, new industrial, railway,  
10 40 and new railway property assessment limitations  
10 41 established under section 441.21, subsection 5, on  
10 42 local taxing authorities in this state.  
10 43     Sec. 7. SAVINGS PROVISION. This division of this  
10 44 Act, pursuant to section 4.13, does not affect the  
10 45 operation of, or prohibit the application of, prior  
10 46 provisions of section 441.21, or rules adopted under  
10 47 chapter 17A to administer prior provisions of section  
10 48 441.21, for assessment years beginning before January  
10 49 1, 2012, and for duties, powers, protests, appeals,  
10 50 proceedings, actions, or remedies attributable to an





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11 1 assessment year beginning before January 1, 2012.  
11 2 Sec. 8. APPLICABILITY. This division of this Act  
11 3 applies to property tax assessment years beginning on  
11 4 or after January 1, 2012.

11 5 DIVISION III

11 6 COUNTY AND CITY BUDGET LIMITATION

11 7 Sec. 9. Section 23A.2, subsection 10, paragraph h,  
11 8 Code 2011, is amended to read as follows:

11 9 h. The performance of an activity listed in  
11 10 section 331.424, Code 2011, as a service ~~for~~ which a  
11 11 ~~supplemental levy county may be certified include in~~  
11 12 ~~its budget.~~

11 13 Sec. 10. Section 28M.5, subsection 2, Code 2011, is  
11 14 amended to read as follows:

11 15 2. If a regional transit district budget allocates  
11 16 revenue responsibilities to the board of supervisors  
11 17 of a participating county, the amount of the regional  
11 18 transit district levy that is the responsibility of the  
11 19 participating county shall be deducted from the maximum  
11 20 ~~rates amount~~ of taxes authorized to be levied by the  
11 21 county pursuant to section 331.423, ~~subsections 1 and~~  
11 22 ~~2 subsection 3, paragraphs "b" and "c", as applicable,~~  
11 23 unless the county meets its revenue responsibilities as  
11 24 allocated in the budget from other available revenue  
11 25 sources. However, for a regional transit district  
11 26 that includes a county with a population of less than  
11 27 three hundred thousand, the amount of the regional  
11 28 transit district levy that is the responsibility of  
11 29 such participating county shall be deducted from the  
11 30 maximum ~~rate amount~~ of taxes authorized to be levied  
11 31 by the county pursuant to section 331.423, subsection  
11 32 ~~± 3, paragraph "b".~~

11 33 Sec. 11. Section 123.38, subsection 2, Code 2011,  
11 34 is amended to read as follows:

11 35 2. Any licensee or permittee, or the licensee's  
11 36 or permittee's executor or administrator, or any  
11 37 person duly appointed by the court to take charge of  
11 38 and administer the property or assets of the licensee  
11 39 or permittee for the benefit of the licensee's or  
11 40 permittee's creditors, may voluntarily surrender a  
11 41 license or permit to the division. When a license  
11 42 or permit is surrendered the division shall notify  
11 43 the local authority, and the division or the local  
11 44 authority shall refund to the person surrendering the  
11 45 license or permit, a proportionate amount of the fee  
11 46 received by the division or the local authority for  
11 47 the license or permit as follows: if a license or  
11 48 permit is surrendered during the first three months  
11 49 of the period for which it was issued, the refund  
11 50 shall be three-fourths of the amount of the fee;



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12 1 if surrendered more than three months but not more  
12 2 than six months after issuance, the refund shall be  
12 3 one-half of the amount of the fee; if surrendered more  
12 4 than six months but not more than nine months after  
12 5 issuance, the refund shall be one-fourth of the amount  
12 6 of the fee. No refund shall be made, however, for  
12 7 any special liquor permit, nor for a liquor control  
12 8 license, wine permit, or beer permit surrendered more  
12 9 than nine months after issuance. For purposes of this  
12 10 subsection, any portion of license or permit fees  
12 11 used for the purposes authorized in section 331.424,  
12 12 subsection 1, paragraph "a", subparagraphs (1) and  
12 13 (2), Code 2011, and in section 331.424A, shall not be  
12 14 deemed received either by the division or by a local  
12 15 authority. No refund shall be made to any licensee or  
12 16 permittee, upon the surrender of the license or permit,  
12 17 if there is at the time of surrender, a complaint filed  
12 18 with the division or local authority, charging the  
12 19 licensee or permittee with a violation of this chapter.  
12 20 If upon a hearing on a complaint the license or permit  
12 21 is not revoked or suspended, then the licensee or  
12 22 permittee is eligible, upon surrender of the license  
12 23 or permit, to receive a refund as provided in this  
12 24 section; but if the license or permit is revoked or  
12 25 suspended upon hearing the licensee or permittee is not  
12 26 eligible for the refund of any portion of the license  
12 27 or permit fee.

12 28 Sec. 12. Section 218.99, Code 2011, is amended to  
12 29 read as follows:

12 30 218.99 Counties to be notified of patients' personal  
12 31 accounts.

12 32 The administrator in control of a state institution  
12 33 shall direct the business manager of each institution  
12 34 under the administrator's jurisdiction ~~which is~~  
~~12 35 mentioned in section 331.424, subsection 1, paragraph~~  
~~12 36 "a", subparagraphs (1) and (2), and for which services~~  
12 37 are paid under section 331.424A, to quarterly inform  
12 38 the county of legal settlement's entity designated to  
12 39 perform the county's central point of coordination  
12 40 process of any patient or resident who has an amount  
12 41 in excess of two hundred dollars on account in the  
12 42 patients' personal deposit fund and the amount on  
12 43 deposit. The administrators shall direct the business  
12 44 manager to further notify the entity designated to  
12 45 perform the county's central point of coordination  
12 46 process at least fifteen days before the release of  
12 47 funds in excess of two hundred dollars or upon the  
12 48 death of the patient or resident. If the patient or  
12 49 resident has no county of legal settlement, notice  
12 50 shall be made to the director of human services and the



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13 1 administrator in control of the institution involved.  
13 2     Sec. 13. Section 331.263, subsection 2, Code 2011,  
13 3 is amended to read as follows:  
13 4     2. The governing body of the community commonwealth  
13 5 shall have the authority to levy county taxes and shall  
13 6 have the authority to levy city taxes to the extent the  
13 7 city tax levy authority is transferred by the charter  
13 8 to the community commonwealth. A city participating  
13 9 in the community commonwealth shall transfer a portion  
13 10 of the city's tax levy authorized under section 384.1  
13 11 or 384.12, whichever is applicable, to the governing  
13 12 body of the community commonwealth. The maximum  
13 13 ~~rates~~ amount of taxes authorized to be levied under  
13 14 ~~sections~~ section 384.1 and the maximum amount of taxes  
13 15 authorized to be levied under section 384.12 by a city  
13 16 participating in the community commonwealth shall be  
13 17 reduced by an amount equal to the rates of the same or  
13 18 similar taxes levied in the city by the governing body  
13 19 of the community commonwealth.  
13 20     Sec. 14. Section 331.301, subsection 12, Code 2011,  
13 21 is amended to read as follows:  
13 22     12. The board of supervisors may credit funds to  
13 23 a reserve for the purposes authorized by subsection  
13 24 11 of this section; ~~section 331.424, subsection 1,~~  
~~13 25 paragraph "a", subparagraph (6); and section 331.441,~~  
13 26 subsection 2, paragraph "b". Moneys credited to the  
13 27 reserve, and interest earned on such moneys, shall  
13 28 remain in the reserve until expended for purposes  
13 29 authorized by subsection 11 of this section; ~~section~~  
~~13 30 331.424, subsection 1, paragraph "a", subparagraph (6);~~  
13 31 ~~or section 331.441, subsection 2, paragraph "b".~~  
13 32     Sec. 15. Section 331.421, subsections 1 and 10,  
13 33 Code 2011, are amended by striking the subsections.  
13 34     Sec. 16. Section 331.421, Code 2011, is amended by  
13 35 adding the following new subsection:  
13 36     NEW SUBSECTION. 7A. "Item" means a budgeted  
13 37 expenditure, appropriation, or cash reserve from a  
13 38 fund for a service area, program, program element, or  
13 39 purpose.  
13 40     Sec. 17. Section 331.423, Code 2011, is amended by  
13 41 striking the section and inserting in lieu thereof the  
13 42 following:  
13 43     331.423 Property tax dollars === maximums.  
13 44     1. Annually, the board shall determine separate  
13 45 property tax levy limits to pay for general county  
13 46 services and rural county services in accordance with  
13 47 this section. The property tax levies separately  
13 48 certified for general county services and rural county  
13 49 services under section 331.434 shall not raise property  
13 50 tax dollars that exceed the amount determined under



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14 1 this section.

14 2 2. For purposes of this section and section

14 3 331.423B, unless the context otherwise requires:

14 4 a. "Annual growth factor" means an index, expressed

14 5 as a percentage, determined by the department of

14 6 management by January 1 of the calendar year in which

14 7 the budget year begins. In determining the annual

14 8 growth factor, the department shall calculate the

14 9 average of the preceding twelve-month percentage

14 10 change, which shall be computed on a monthly basis,

14 11 in the midwest consumer price index, ending with the

14 12 percentage change for the month of November. The

14 13 department shall then add that average percentage

14 14 change to one hundred percent. In no case, however,

14 15 shall the annual growth factor exceed one hundred four

14 16 percent.

14 17 b. "Boundary adjustment" means annexation,

14 18 severance, incorporation, or discontinuance as those

14 19 terms are defined in section 368.1.

14 20 c. "Budget year" is the fiscal year beginning

14 21 during the calendar year in which a budget is

14 22 certified.

14 23 d. "Current fiscal year" is the fiscal year

14 24 ending during the calendar year in which a budget is

14 25 certified.

14 26 e. "Net new valuation taxes" means the amount of

14 27 property tax dollars equal to the current fiscal year's

14 28 levy rate in the county for general county services or

14 29 for rural county services, as applicable, multiplied by

14 30 the increase from the current fiscal year to the budget

14 31 year in taxable valuation due to the following:

14 32 (1) Net new construction, excluding all incremental

14 33 valuation that is released in any one year from a

14 34 division of revenue under section 260E.4 or an urban

14 35 renewal area for which taxes were being divided under

14 36 section 403.19 if the property for the valuation being

14 37 released remains subject to the division of revenue

14 38 under section 260E.4 or remains part of the urban

14 39 renewal area that is subject to a division of revenue

14 40 under section 403.19.

14 41 (2) Additions or improvements to existing

14 42 structures.

14 43 (3) Remodeling of existing structures for which a

14 44 building permit is required.

14 45 (4) Net boundary adjustment.

14 46 (5) A municipality no longer dividing tax revenues

14 47 in an urban renewal area as provided in section 403.19

14 48 or a community college no longer dividing revenues as

14 49 provided in section 260E.4.

14 50 (6) That portion of taxable property located in an



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15 1 urban revitalization area on which an exemption was  
15 2 allowed and such exemption has expired.  
15 3 3. a. For the fiscal year beginning July 1, 2012,  
15 4 and subsequent fiscal years, the maximum amount of  
15 5 property tax dollars which may be certified for levy by  
15 6 a county for general county services and rural county  
15 7 services shall be the maximum property tax dollars  
15 8 calculated under paragraphs "b" and "c", respectively.  
15 9 b. The maximum property tax dollars that may be  
15 10 levied for general county services is an amount equal  
15 11 to the sum of the following:  
15 12 (1) The annual growth factor times the current  
15 13 fiscal year's maximum property tax dollars for general  
15 14 county services.  
15 15 (2) The amount of net new valuation taxes in the  
15 16 county.  
15 17 c. The maximum property tax dollars that may be  
15 18 levied for rural county services is an amount equal to  
15 19 the sum of the following:  
15 20 (1) The annual growth factor times the current  
15 21 fiscal year's maximum property tax dollars for rural  
15 22 county services.  
15 23 (2) The amount of net new valuation taxes in the  
15 24 unincorporated area of the county.  
15 25 4. a. For purposes of calculating maximum property  
15 26 tax dollars for general county services for the fiscal  
15 27 year beginning July 1, 2012, only, the term "current  
15 28 fiscal year's maximum property tax dollars" shall mean  
15 29 the total amount of property tax dollars certified by  
15 30 the county for general county services for the fiscal  
15 31 year beginning July 1, 2011.  
15 32 b. For purposes of calculating maximum property tax  
15 33 dollars for rural county services for the fiscal year  
15 34 beginning July 1, 2012, only, the term "current fiscal  
15 35 year's maximum property tax dollars" shall mean the  
15 36 total amount of property tax dollars certified by the  
15 37 county for rural county services for the fiscal year  
15 38 beginning July 1, 2011.  
15 39 5. Property taxes certified for deposit in the  
15 40 mental health, mental retardation, and developmental  
15 41 disabilities services fund in section 331.424A, the  
15 42 emergency services fund in section 331.424C, the debt  
15 43 service fund in section 331.430, any capital projects  
15 44 fund established by the county for deposit of bond,  
15 45 loan, or note proceeds, and any temporary increase  
15 46 approved pursuant to section 331.424, are not included  
15 47 in the maximum amount of property tax dollars that may  
15 48 be certified for a budget year under subsection 3.  
15 49 6. The department of management, in consultation  
15 50 with the county finance committee, shall adopt rules



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16 1 to administer this section. The department shall  
16 2 prescribe forms to be used by counties when making  
16 3 calculations required by this section.  
16 4 Sec. 18. NEW SECTION. 331.423B Ending fund  
16 5 balance.  
16 6 1. a. Budgeted ending fund balances for a budget  
16 7 year in excess of twenty=five percent of budgeted  
16 8 expenditures in either the general fund or rural  
16 9 services fund for that budget year shall be explicitly  
16 10 reserved or designated for a specific purpose.  
16 11 b. A county is encouraged, but not required, to  
16 12 reduce budgeted, unreserved, or undesignated ending  
16 13 fund balances for the budget year to an amount equal  
16 14 to approximately twenty=five percent of budgeted  
16 15 expenditures and transfers from the general fund  
16 16 and rural services fund for that budget year unless  
16 17 a decision is certified by the state appeal board  
16 18 ordering a reduction in the ending fund balance of any  
16 19 of those funds.  
16 20 c. In a protest to the county budget under section  
16 21 331.436, the county shall have the burden of proving  
16 22 that the budgeted balances in excess of twenty=five  
16 23 percent are reasonably likely to be appropriated for  
16 24 the explicitly reserved or designated specific purpose.  
16 25 The excess budgeted balance for the specific purpose  
16 26 shall be considered an increase in an item in the  
16 27 budget for purposes of section 24.28.  
16 28 2. a. For a county that has, as of June 30, 2011,  
16 29 reduced its actual ending fund balance to less than  
16 30 twenty=five percent of actual expenditures, additional  
16 31 property taxes may be computed and levied as provided  
16 32 in this subsection. The additional property tax levy  
16 33 amount is an amount not to exceed twenty=five percent  
16 34 of actual expenditures from the general fund and rural  
16 35 services fund for the fiscal year beginning July 1,  
16 36 2010, minus the combined ending fund balances for those  
16 37 funds for that year.  
16 38 b. The amount of the additional property taxes  
16 39 shall be apportioned between the general fund and the  
16 40 rural services fund. However, the amount apportioned  
16 41 for general county services and for rural county  
16 42 services shall not exceed for each fund twenty=five  
16 43 percent of actual expenditures for the fiscal year  
16 44 beginning July 1, 2010.  
16 45 c. All or a portion of additional property tax  
16 46 dollars may be levied for the purpose of increasing  
16 47 cash reserves for general county services and rural  
16 48 county services in the budget year. The additional  
16 49 property tax dollars authorized under this subsection  
16 50 but not levied may be carried forward as unused ending



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17 1 fund balance taxing authority until and for the fiscal  
17 2 year beginning July 1, 2017. The amount carried  
17 3 forward shall not exceed twenty=five percent of the  
17 4 maximum amount of property tax dollars available in  
17 5 the current fiscal year. Additionally, property taxes  
17 6 that are levied as unused ending fund balance taxing  
17 7 authority under this subsection may be the subject of  
17 8 a protest under section 331.436, and the amount will  
17 9 be considered an increase in an item in the budget for  
17 10 purposes of section 24.28. The amount of additional  
17 11 property taxes levied under this subsection shall not  
17 12 be included in the computation of the maximum amount of  
17 13 property tax dollars which may be certified and levied  
17 14 under section 331.423.

17 15 Sec. 19. Section 331.424, Code 2011, is amended by  
17 16 striking the section and inserting in lieu thereof the  
17 17 following:

17 18 331.424 Authority to levy beyond maximum property  
17 19 tax dollars.

17 20 1. The board may certify additions to the maximum  
17 21 amount of property tax dollars to be levied for  
17 22 a period of time not to exceed two years if the  
17 23 proposition has been submitted at a special election  
17 24 and received a favorable majority of the votes cast on  
17 25 the proposition.

17 26 2. The special election is subject to the  
17 27 following:

17 28 a. The board must give at least thirty=two days'  
17 29 notice to the county commissioner of elections that the  
17 30 special election is to be held. In no case, however,  
17 31 shall a notice be given to the county commissioner  
17 32 of elections after December 31 for an election on a  
17 33 proposition to exceed the statutory limits during the  
17 34 fiscal year beginning in the next calendar year.

17 35 b. The special election shall be conducted by the  
17 36 county commissioner of elections in accordance with  
17 37 law.

17 38 c. The proposition to be submitted shall be  
17 39 substantially in the following form:

17 40 Vote "yes" or "no" on the following: Shall the  
17 41 county of \_\_\_\_\_ levy for an additional \$\_\_\_\_\_ each  
17 42 year for \_\_\_ years beginning July 1, \_\_\_\_\_, in excess  
17 43 of the statutory limits otherwise applicable for the  
17 44 (general county services or rural services) fund?

17 45 d. The canvass shall be held beginning at 1:00 p.m.  
17 46 on the second day which is not a holiday following the  
17 47 special election.

17 48 e. Notice of the special election shall be  
17 49 published at least once in a newspaper as specified  
17 50 in section 331.305 prior to the date of the special



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18 1 election. The notice shall appear as early as  
18 2 practicable after the board has voted to submit a  
18 3 proposition to the voters to levy additional property  
18 4 tax dollars.

18 5 3. Registered voters in the county may vote on the  
18 6 proposition to increase property taxes for the general  
18 7 fund in excess of the statutory limit. Registered  
18 8 voters residing outside the corporate limits of a  
18 9 city within the county may vote on the proposition to  
18 10 increase property taxes for the rural services fund in  
18 11 excess of the statutory limit.

18 12 4. The amount of additional property tax dollars  
18 13 certified under this section shall not be included in  
18 14 the computation of the maximum amount of property tax  
18 15 dollars which may be certified and levied under section  
18 16 331.423.

18 17 Sec. 20. Section 331.424A, subsection 4, Code 2011,  
18 18 is amended to read as follows:

18 19 4. For the fiscal year beginning July 1, 1996,  
18 20 and for each subsequent fiscal year, the county shall  
18 21 certify a levy for payment of services. For each  
18 22 fiscal year, county revenues from taxes imposed by the  
18 23 county credited to the services fund shall not exceed  
18 24 an amount equal to the amount of base year expenditures  
18 25 for services as defined in section 331.438, less the  
18 26 amount of property tax relief to be received pursuant  
18 27 to section 426B.2, in the fiscal year for which the  
18 28 budget is certified. The county auditor and the  
18 29 board of supervisors shall reduce the amount of the  
18 30 levy certified for the services fund by the amount of  
18 31 property tax relief to be received. A levy certified  
18 32 under this section is not subject to ~~the appeal~~  
~~18 33 provisions of section 331.426 or to any other provision~~  
18 34 in law authorizing a county to exceed, increase, or  
18 35 appeal a property tax levy limit.

18 36 Sec. 21. Section 331.427, subsection 3, paragraph  
18 37 1, Code 2011, is amended to read as follows:

18 38 1. Services listed in section 331.424, subsection  
18 39 1, Code 2011, and section 331.554.

18 40 Sec. 22. Section 331.428, subsection 2, paragraph  
18 41 d, Code 2011, is amended to read as follows:

18 42 d. Services listed under section 331.424,  
18 43 subsection 2, Code 2011.

18 44 Sec. 23. Section 331.434, subsection 1, Code 2011,  
18 45 is amended to read as follows:

18 46 1. The budget shall show the amount required for  
18 47 each class of proposed expenditures, a comparison of  
18 48 the amounts proposed to be expended with the amounts  
18 49 expended for like purposes for the two preceding years,  
18 50 the revenues from sources other than property taxation,





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19 1 and the amount to be raised by property taxation, in  
19 2 the detail and form prescribed by the director of the  
19 3 department of management. For each county that has  
19 4 established an urban renewal area, the budget shall  
19 5 include estimated and actual tax increment financing  
19 6 revenues and all estimated and actual expenditures of  
19 7 the revenues, proceeds from debt and all estimated  
19 8 and actual expenditures of the debt proceeds, and  
19 9 identification of any entity receiving a direct payment  
19 10 of taxes funded by tax increment financing revenues  
19 11 and shall include the total amount of loans, advances,  
19 12 indebtedness, or bonds outstanding at the close of  
19 13 the most recently ended fiscal year, which qualify  
19 14 for payment from the special fund created in section  
19 15 403.19, including interest negotiated on such loans,  
19 16 advances, indebtedness, or bonds. For purposes of this  
19 17 subsection, "indebtedness" includes written agreements  
19 18 whereby the county agrees to suspend, abate, exempt,  
19 19 rebate, refund, or reimburse property taxes, provide a  
19 20 grant for property taxes paid, or make a direct payment  
19 21 of taxes, with moneys in the special fund. The amount  
19 22 of loans, advances, indebtedness, or bonds shall be  
19 23 listed in the aggregate for each county reporting. ~~The~~  
~~19 24 county finance committee, in consultation with the~~  
~~19 25 department of management and the legislative services~~  
~~19 26 agency, shall determine reporting criteria and shall~~  
~~19 27 prepare a form for reports filed with the department~~  
~~19 28 pursuant to this section. The department shall make~~  
~~19 29 the information available by electronic means.~~  
19 30 Sec. 24. Section 373.10, Code 2011, is amended to  
19 31 read as follows:  
19 32 373.10 Taxing authority.  
19 33 The metropolitan council shall have the authority  
19 34 to levy city taxes to the extent the city tax levy  
19 35 authority is transferred by the charter to the  
19 36 metropolitan council. A member city shall transfer  
19 37 a portion of the city's tax levy authorized under  
19 38 section 384.1 or 384.12, whichever is applicable, to  
19 39 the metropolitan council. The maximum ~~rates~~ amount of  
19 40 taxes authorized to be levied under ~~sections~~ section  
19 41 384.1 and the taxes authorized to be levied under  
19 42 section384.12 by a member city shall be reduced by an  
19 43 amount equal to the rates of the same or similar taxes  
19 44 levied in the city by the metropolitan council.  
19 45 Sec. 25. Section 384.1, Code 2011, is amended by  
19 46 striking the section and inserting in lieu thereof the  
19 47 following:  
19 48 384.1 Property tax dollars ==== maximums.  
19 49 1. A city shall certify taxes to be levied by the  
19 50 city on all taxable property within the city limits,



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20 1 for all city government purposes. Annually, the city  
20 2 council may certify basic levies for city government  
20 3 purposes, subject to the limitation on property tax  
20 4 dollars provided in this section.  
20 5 2. For purposes of this section and section 384.1B,  
20 6 unless the context otherwise requires:  
20 7 a. "Annual growth factor" means an index, expressed  
20 8 as a percentage, determined by the department of  
20 9 management by January 1 of the calendar year in which  
20 10 the budget year begins. In determining the annual  
20 11 growth factor, the department shall calculate the  
20 12 average of the preceding twelve-month percentage  
20 13 change, which shall be computed on a monthly basis,  
20 14 in the midwest consumer price index, ending with the  
20 15 percentage change for the month of November. The  
20 16 department shall then add that average percentage  
20 17 change to one hundred percent. In no case, however,  
20 18 shall the annual growth factor exceed one hundred four  
20 19 percent.  
20 20 b. "Boundary adjustment" means annexation,  
20 21 severance, incorporation, or discontinuance as those  
20 22 terms are defined in section 368.1.  
20 23 c. "Budget year" is the fiscal year beginning  
20 24 during the calendar year in which a budget is  
20 25 certified.  
20 26 d. "Current fiscal year" is the fiscal year  
20 27 ending during the calendar year in which a budget is  
20 28 certified.  
20 29 e. "Net new valuation taxes" means the amount of  
20 30 property tax dollars equal to the current fiscal year's  
20 31 levy rate in the city for the general fund multiplied  
20 32 by the increase from the current fiscal year to the  
20 33 budget year in taxable valuation due to the following:  
20 34 (1) Net new construction, excluding all incremental  
20 35 valuation that is released in any one year from a  
20 36 division of revenue under section 260E.4 or an urban  
20 37 renewal area for which taxes were being divided under  
20 38 section 403.19 if the property for the valuation being  
20 39 released remains subject to the division of revenue  
20 40 under section 260E.4 or remains part of the urban  
20 41 renewal area that is subject to a division of revenue  
20 42 under section 403.19.  
20 43 (2) Additions or improvements to existing  
20 44 structures.  
20 45 (3) Remodeling of existing structures for which a  
20 46 building permit is required.  
20 47 (4) Net boundary adjustment.  
20 48 (5) A municipality no longer dividing tax revenues  
20 49 in an urban renewal area as provided in section 403.19  
20 50 or a community college no longer dividing revenues as



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21 1 provided in section 260E.4.  
21 2 (6) That portion of taxable property located in an  
21 3 urban revitalization area on which an exemption was  
21 4 allowed and such exemption has expired.  
21 5 3. a. For the fiscal year beginning July 1, 2012,  
21 6 and subsequent fiscal years, the maximum amount of  
21 7 property tax dollars which may be certified for levy  
21 8 by a city for the general fund shall be the maximum  
21 9 property tax dollars calculated under paragraph "b".  
21 10 b. The maximum property tax dollars that may be  
21 11 levied for deposit in the general fund is an amount  
21 12 equal to the sum of the following:  
21 13 (1) The annual growth factor times the current  
21 14 fiscal year's maximum property tax dollars for the  
21 15 general fund.  
21 16 (2) The amount of net new valuation taxes in the  
21 17 city.  
21 18 4. For purposes of calculating maximum property tax  
21 19 dollars for the city general fund for the fiscal year  
21 20 beginning July 1, 2012, only, the term "current fiscal  
21 21 year's maximum property tax dollars" shall mean the  
21 22 total amount of property tax dollars certified by the  
21 23 city for the city's general fund for the fiscal year  
21 24 beginning July 1, 2011.  
21 25 5. Property taxes certified for deposit in the  
21 26 debt service fund in section 384.4, trust and agency  
21 27 funds in section 384.6, capital improvements reserve  
21 28 fund in section 384.7, the emergency fund in section  
21 29 384.8, any capital projects fund established by the  
21 30 city for deposit of bond, loan, or note proceeds,  
21 31 any temporary increase approved pursuant to section  
21 32 384.12A, property taxes collected from a voted levy  
21 33 in section 384.12, and property taxes levied under  
21 34 section 384.12, subsection 18, are not counted against  
21 35 the maximum amount of property tax dollars that may be  
21 36 certified for a fiscal year under subsection 3.  
21 37 6. Notwithstanding the maximum amount of taxes  
21 38 a city may certify for levy, the tax levied by a  
21 39 city on tracts of land and improvements on the  
21 40 tracts of land used and assessed for agricultural or  
21 41 horticultural purposes shall not exceed three dollars  
21 42 and three-eighths cents per thousand dollars of  
21 43 assessed value in any year. Improvements located on  
21 44 such tracts of land and not used for agricultural or  
21 45 horticultural purposes and all residential dwellings  
21 46 are subject to the same rate of tax levied by the city  
21 47 on all other taxable property within the city.  
21 48 7. The department of management, in consultation  
21 49 with the city finance committee, shall adopt rules  
21 50 to administer this section. The department shall



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22 1 prescribe forms to be used by cities when making  
22 2 calculations required by this section.  
22 3 Sec. 26. NEW SECTION. 384.1B Ending fund balance.  
22 4 1. a. Budgeted ending fund balances for a budget  
22 5 year in excess of twenty=five percent of budgeted  
22 6 expenditures from the general fund for that budget  
22 7 year shall be explicitly reserved or designated for a  
22 8 specific purpose.  
22 9 b. A city is encouraged, but not required, to  
22 10 reduce budgeted, unreserved, or undesignated ending  
22 11 fund balances for the budget year to an amount equal  
22 12 to approximately twenty=five percent of budgeted  
22 13 expenditures and transfers from the general fund for  
22 14 that budget year unless a decision is certified by the  
22 15 state appeal board ordering a reduction in the ending  
22 16 fund balance of the fund.  
22 17 c. In a protest to the city budget under section  
22 18 384.19, the city shall have the burden of proving  
22 19 that the budgeted balances in excess of twenty=five  
22 20 percent are reasonably likely to be appropriated for  
22 21 the explicitly reserved or designated specific purpose.  
22 22 The excess budgeted balance for the specific purpose  
22 23 shall be considered an increase in an item in the  
22 24 budget for purposes of section 24.28.  
22 25 2. a. For a city that has, as of June 30,  
22 26 2011, reduced its ending fund balance to less than  
22 27 twenty=five percent of actual expenditures, additional  
22 28 property taxes may be computed and levied as provided  
22 29 in this subsection. The additional property tax levy  
22 30 amount is an amount not to exceed the difference  
22 31 between twenty=five percent of actual expenditures for  
22 32 city government purposes for the fiscal year beginning  
22 33 July 1, 2010, minus the ending fund balance for that  
22 34 year.  
22 35 b. All or a portion of additional property tax  
22 36 dollars may be levied for the purpose of increasing  
22 37 cash reserves for city government purposes in the  
22 38 budget year. The additional property tax dollars  
22 39 authorized under this subsection but not levied may be  
22 40 carried forward as unused ending fund balance taxing  
22 41 authority until and for the fiscal year beginning  
22 42 July 1, 2017. The amount carried forward shall not  
22 43 exceed twenty=five percent of the maximum amount of  
22 44 property tax dollars available in the current fiscal  
22 45 year. Additionally, property taxes that are levied  
22 46 as unused ending fund balance taxing authority under  
22 47 this subsection may be the subject of a protest under  
22 48 section 384.19, and the amount will be considered an  
22 49 increase in an item in the budget for purposes of  
22 50 section 24.28. The amount of additional property tax



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23 1 dollars levied under this subsection shall not be  
23 2 included in the computation of the maximum amount of  
23 3 property tax dollars which may be certified and levied  
23 4 under section 384.1.  
23 5     Sec. 27. Section 384.12, subsection 20, Code 2011,  
23 6 is amended by striking the subsection.  
23 7     Sec. 28. NEW SECTION. 384.12A Authority to levy  
23 8 beyond maximum property tax dollars.  
23 9     1. The city council may certify additions to the  
23 10 maximum amount of property tax dollars to be levied  
23 11 for a period of time not to exceed two years if the  
23 12 proposition has been submitted at a special election  
23 13 and received a favorable majority of the votes cast on  
23 14 the proposition.  
23 15     2. The special election is subject to the  
23 16 following:  
23 17     a. The city council must give at least thirty=two  
23 18 days' notice to the county commissioner of elections  
23 19 that the special election is to be held. In no  
23 20 case, however, shall a notice be given to the county  
23 21 commissioner of elections after December 31 for an  
23 22 election on a proposition to exceed the statutory  
23 23 limits during the fiscal year beginning in the next  
23 24 calendar year.  
23 25     b. The special election shall be conducted by the  
23 26 county commissioner of elections in accordance with  
23 27 law.  
23 28     c. The proposition to be submitted shall be  
23 29 substantially in the following form:  
23 30     Vote "yes" or "no" on the following: Shall the city  
23 31 of \_\_\_\_\_ levy for an additional \$\_\_\_\_\_ each year  
23 32 for \_\_\_\_ years beginning next July 1, \_\_\_\_, in excess of  
23 33 the statutory limits otherwise applicable for the city  
23 34 general fund?  
23 35     d. The canvass shall be held beginning at 1:00 p.m.  
23 36 on the second day which is not a holiday following the  
23 37 special election.  
23 38     e. Notice of the special election shall be  
23 39 published at least once in a newspaper as specified  
23 40 in section 362.3 prior to the date of the special  
23 41 election. The notice shall appear as early as  
23 42 practicable after the city council has voted to submit  
23 43 a proposition to the voters to levy additional property  
23 44 tax dollars.  
23 45     3. The amount of additional property tax dollars  
23 46 certified under this section shall not be included in  
23 47 the computation of the maximum amount of property tax  
23 48 dollars which may be certified and levied under section  
23 49 384.1.  
23 50     Sec. 29. Section 384.16, subsection 1, paragraph b,



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24 1 Code 2011, is amended to read as follows:

24 2     b. A budget must show comparisons between the  
24 3 estimated expenditures in each program in the following  
24 4 year, the latest estimated expenditures in each program  
24 5 in the current year, and the actual expenditures in  
24 6 each program from the annual report as provided in  
24 7 section 384.22, or as corrected by a subsequent audit  
24 8 report. Wherever practicable, as provided in rules  
24 9 of the committee, a budget must show comparisons  
24 10 between the levels of service provided by each program  
24 11 as estimated for the following year, and actual  
24 12 levels of service provided by each program during  
24 13 the two preceding years. For each city that has  
24 14 established an urban renewal area, the budget shall  
24 15 include estimated and actual tax increment financing  
24 16 revenues and all estimated and actual expenditures of  
24 17 the revenues, proceeds from debt and all estimated  
24 18 and actual expenditures of the debt proceeds, and  
24 19 identification of any entity receiving a direct payment  
24 20 of taxes funded by tax increment financing revenues  
24 21 and shall include the total amount of loans, advances,  
24 22 indebtedness, or bonds outstanding at the close of  
24 23 the most recently ended fiscal year, which qualify  
24 24 for payment from the special fund created in section  
24 25 403.19, including interest negotiated on such loans,  
24 26 advances, indebtedness, or bonds. The amount of loans,  
24 27 advances, indebtedness, or bonds shall be listed in the  
24 28 aggregate for each city reporting. ~~The city finance~~  
~~24 29 committee, in consultation with the department of~~  
~~24 30 management and the legislative services agency, shall~~  
~~24 31 determine reporting criteria and shall prepare a form~~  
~~24 32 for reports filed with the department pursuant to this~~  
~~24 33 section. The department shall make the information~~  
~~24 34 available by electronic means.~~

24 35     Sec. 30. Section 384.19, Code 2011, is amended by  
24 36 adding the following new unnumbered paragraph:  
24 37 NEW UNNUMBERED PARAGRAPH For purposes of a tax  
24 38 protest filed under this section, "item" means a  
24 39 budgeted expenditure, appropriation, or cash reserve  
24 40 from a fund for a service area, program, program  
24 41 element, or purpose.

24 42     Sec. 31. Section 386.8, Code 2011, is amended to  
24 43 read as follows:

24 44     386.8 Operation tax.

24 45     A city may establish a self-supported improvement  
24 46 district operation fund, and may certify taxes not  
24 47 to exceed the rate limitation as established in the  
24 48 ordinance creating the district, or any amendment  
24 49 thereto, each year to be levied for the fund against  
24 50 all of the property in the district, for the purpose



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25 1 of paying the administrative expenses of the district,  
25 2 which may include but are not limited to administrative  
25 3 personnel salaries, a separate administrative office,  
25 4 planning costs including consultation fees, engineering  
25 5 fees, architectural fees, and legal fees and all other  
25 6 expenses reasonably associated with the administration  
25 7 of the district and the fulfilling of the purposes of  
25 8 the district. The taxes levied for this fund may also  
25 9 be used for the purpose of paying maintenance expenses  
25 10 of improvements or self=liquidating improvements for a  
25 11 specified length of time with one or more options to  
25 12 renew if such is clearly stated in the petition which  
25 13 requests the council to authorize construction of the  
25 14 improvement or self=liquidating improvement, whether  
25 15 or not such petition is combined with the petition  
25 16 requesting creation of a district. Parcels of property  
25 17 which are assessed as residential property for property  
25 18 tax purposes are exempt from the tax levied under this  
25 19 section except residential properties within a duly  
25 20 designated historic district. A tax levied under  
25 21 this section is not subject to the ~~levy~~ limitation in  
25 22 section 384.1.

25 23 Sec. 32. Section 386.9, Code 2011, is amended to  
25 24 read as follows:

25 25 386.9 Capital improvement tax.

25 26 A city may establish a capital improvement fund  
25 27 for a district and may certify taxes, not to exceed  
25 28 the rate established by the ordinance creating the  
25 29 district, or any subsequent amendment thereto,  
25 30 each year to be levied for the fund against all of  
25 31 the property in the district, for the purpose of  
25 32 accumulating moneys for the financing or payment  
25 33 of a part or all of the costs of any improvement or  
25 34 self=liquidating improvement. However, parcels of  
25 35 property which are assessed as residential property  
25 36 for property tax purposes are exempt from the tax  
25 37 levied under this section except residential properties  
25 38 within a duly designated historic district. A tax  
25 39 levied under this section is not subject to the ~~levy~~  
25 40 limitations in section 384.1 or 384.7.

25 41 Sec. 33. REPEAL. Sections 331.425 and 331.426,  
25 42 Code 2011, are repealed.

25 43 Sec. 34. APPLICABILITY. This division of this Act  
25 44 applies to fiscal years beginning on or after July 1,  
25 45 2012.>

25 46 #2. Title page, by striking lines 1 through 3  
25 47 and inserting <An Act relating to state and local  
25 48 government finances by increasing the regular program  
25 49 foundation base, establishing property tax levy limits  
25 50 for cities and counties, establishing certain property



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26 1 subclassifications, establishing certain property  
26 2 assessment limitations, modifying certain property  
26 3 tax classifications, and including applicability  
26 4 provisions.>  
SF522.3208 (3) 84  
mb





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## Senate Amendment 3337

PAG LIN

1 1 Amend House File 649, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 48, after line 29 by inserting:  
1 4 <\_\_\_\_. The department shall submit a request to  
1 5 the United States department of agriculture for  
1 6 authorization for a waiver, pilot project, or other  
1 7 approach for restricting the use of food assistance  
1 8 benefits, as administered by the state under the  
1 9 federal supplemental nutrition assistance program, for  
1 10 both of the following: food items that are taxable and  
1 11 the deposit portion of the cost of food items sold in a  
1 12 container that is subject to a deposit. The request  
1 13 shall be submitted on or before September 1, 2011. The  
1 14 department shall regularly report on the status of the  
1 15 request to the individuals specified by this Act for  
1 16 submission of reports.>  
1 17 #2. By renumbering as necessary.

MERLIN BARTZ

BRAD ZAUN  
HF649.3221 (3) 84  
jp/pf



Iowa General Assembly  
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## Senate Amendment 3338

PAG LIN

1 1 Amend the amendment, S=3287, to House File 645,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 8, by striking lines 11 through 18.  
1 5 #2. Page 8, by striking lines 32 through 37 and  
1 6 inserting <transfer the amount of \$523,098 to the  
1 7 college student aid commission for purposes of  
1 8 providing national guard educational assistance  
1 9 under the program established in section 261.86.  
1 10 Notwithstanding section 8.33, funds transferred for  
1 11 purposes of this section which remain unencumbered or  
1 12 unobligated at the close of the fiscal year ending June  
1 13 30, 2012, shall not revert but shall be available for  
1 14 expenditure for the fiscal year beginning July 1, 2012,  
1 15 for purposes of section 261.86.>  
1 16 #3. Page 14, by striking lines 17 through 38 and  
1 17 inserting:  
1 18 <Sec. \_\_\_\_\_. Section 261.6, subsection 2, Code 2011,  
1 19 is amended by adding the following new paragraph:  
1 20 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,  
1 21 notwithstanding subsection 3, paragraph "c", under the  
1 22 age of twenty=six; is not a convicted felon as defined  
1 23 in section 910.15; and meets the following criteria:  
1 24 (a) Is the child of a peace officer, as defined  
1 25 in section 97A.1, who is permanently and totally  
1 26 disabled and who receives benefits under section  
1 27 97A.6, subsection 5, or was killed in the line of duty  
1 28 as determined by the board of trustees of the Iowa  
1 29 department of public safety peace officers' retirement,  
1 30 accident, and disability system in accordance with  
1 31 section 97A.6, subsection 16.  
1 32 (b) Is the child of a police officer or a  
1 33 fire fighter, as defined in section 411.1, who is  
1 34 permanently and totally disabled and who receives  
1 35 benefits under section 411.6, subsection 5, or  
1 36 was killed in the line of duty as determined by  
1 37 the statewide fire and police retirement system in  
1 38 accordance with section 411.6, subsection 15.  
1 39 (c) Is the child of a person described as a peace  
1 40 officer under section 97B.49B or is the child of  
1 41 a sheriff or deputy sheriff as defined in section  
1 42 97B.49C, who is permanently and totally disabled and  
1 43 who receives an in=service disability retirement  
1 44 allowance under section 97B.50A, subsection 2, or is  
1 45 killed in the line of duty as determined by the Iowa  
1 46 public employees' retirement system in accordance with  
1 47 section 97B.52, subsection 2.  
1 48 (2) If a student receives financial aid under any  
1 49 other federal, state, or institutional scholarship or  
1 50 grant program, the full amount of the other financial



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2 1 aid shall be applied to the student's expenses first  
2 2 and shall be considered part of the student's available  
2 3 financial resources in determining the amount of the  
2 4 student's award under this paragraph "d". The total  
2 5 financial aid for the student's education, including  
2 6 financial aid under any other program, shall not exceed  
2 7 the student's cost of attendance at the institution  
2 8 which the student attends.

2 9 (3) For purposes of this paragraph "d":

2 10 (a) "Approved postsecondary education or training  
2 11 program" means a program offered by an Iowa community  
2 12 college or institution of higher education governed by  
2 13 the state board of regents.

2 14 (b) "Permanently and totally disabled" means the  
2 15 individual is unable to engage in any substantial  
2 16 gainful activity by reason of a medically determinable  
2 17 physical impairment which can be expected to last  
2 18 for a continuous period or can be expected to result  
2 19 in death. A certificate from a qualified physician  
2 20 attesting to the individual's permanent and total  
2 21 disability must be submitted to the commission. The  
2 22 certificate must include the name and address of  
2 23 the physician and contain an acknowledgment that the  
2 24 certificate will be used by the individual to qualify  
2 25 for educational assistance pursuant to this section.>

2 26 #4. Page 17, line 27, after <proficiency> by  
2 27 inserting <by submitting the written recommendation  
2 28 of the licensed practitioner providing supervision to  
2 29 the student in accordance with section 299A.2; may  
2 30 demonstrate proficiency as evidenced by achievement  
2 31 scores on the annual achievement evaluation required  
2 32 under section 299A.4; or may demonstrate proficiency>

2 33 #5. Page 19, by striking lines 5 through 28.

2 34 #6. Page 21, line 15, by striking <and>

2 35 #7. Page 21, line 18, by striking <six hundred  
2 36 thirty-eight> and inserting <four hundred eight>

2 37 #8. Page 22, by striking lines 24 through 30.

2 38 #9. Page 24, by striking lines 41 and 42 and  
2 39 inserting <section of this division>

2 40 #10. Page 24, line 44, by striking <take effect on  
2 41 July 1, 2012, and are> and inserting <takes effect July  
2 42 1, 2012, and is>

2 43 #11. By striking page 24, line 46, through page 25,  
2 44 line 1, and inserting:

2 45 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
2 46 of this division of this Act amending section 261.6,  
2 47 subsection 2, being deemed of immediate importance,  
2 48 takes effect upon enactment.>

2 49 #12. Page 25, line 2, by striking <sections> and  
2 50 inserting <section>



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3 1 #13. Page 25, line 3, by striking <amend section  
3 2 298.3 apply> and inserting <amends section 298.3  
3 3 applies>  
3 4 #14. Page 28, line 14, by striking <paragraph> and  
3 5 inserting <paragraphs>  
3 6 #15. Page 28, after line 20 by inserting:  
3 7     <NEW PARAGRAPH. 1. Allow a public library that  
3 8 receives state assistance under section 256.57, or  
3 9 financial support from a city or county pursuant  
3 10 to section 256.69, to dispose of, through sale,  
3 11 conveyance, or exchange, any library materials that may  
3 12 be obsolete or worn out or that may no longer be needed  
3 13 or appropriate to the mission of the public library.  
3 14 These materials may be sold by the public library  
3 15 directly or the governing body of the public library  
3 16 may sell the materials by consignment to a public  
3 17 agency or to a private agency organized to raise funds  
3 18 solely for support of the public library. Proceeds  
3 19 from the sale of the library materials may be remitted  
3 20 to the public library and may be used by the public  
3 21 library for the purchase of books and other library  
3 22 materials or equipment, or for the provision of library  
3 23 services.>  
3 24 #16. Page 33, after line 28 by inserting:  
3 25     <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
3 26 of this division of this Act enacting section 256.52,  
3 27 subsection 3, paragraph "b", subparagraph (4A), being  
3 28 deemed of immediate importance, takes effect upon  
3 29 enactment.>  
3 30 #17. Page 36, line 44, by striking <economic  
3 31 development> and inserting <education>  
3 32 #18. Page 36, line 46, by striking <education> and  
3 33 inserting <economic development>  
3 34 #19. Page 37, line 15, by striking <economic  
3 35 development> and inserting <education>  
3 36 #20. Page 37, line 16, by striking <education> and  
3 37 inserting <economic development ,>  
3 38 #21. Page 40, line 20, by striking <economic  
3 39 development> and inserting <education>  
3 40 #22. Page 40, line 29, by striking <economic  
3 41 development> and inserting <education>  
3 42 #23. Page 40, line 38, by striking <economic  
3 43 development> and inserting <education>  
3 44 #24. Page 40, line 39, by striking <education> and  
3 45 inserting <economic development>  
3 46 #25. By renumbering as necessary.

BRIAN SCHOENJAHN  
S3287.3226 (2) 84  
kh/tm



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## Senate Amendment 3339

PAG LIN

1 1 Amend the amendment, S=3293, to House File 649,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 52, after line 28 by inserting:  
1 5 <\_\_\_\_. Page 83, after line 21 by inserting:  
1 6 <DIVISION \_\_\_\_  
1 7 FETICIDE  
1 8 Sec. \_\_\_\_\_. Section 707.7, subsections 1, 2, and 4,  
1 9 Code 2011, are amended to read as follows:  
1 10 1. Any person who intentionally terminates a human  
1 11 pregnancy, with the knowledge and voluntary consent  
1 12 of the pregnant person, after ~~the end of the second~~  
~~1 13 trimester of the pregnancy~~ a gestation period of  
1 14 twenty completed weeks where death of the fetus results  
1 15 commits feticide. Feticide is a class "C" felony.  
1 16 2. Any person who attempts to intentionally  
1 17 terminate a human pregnancy, with the knowledge and  
1 18 voluntary consent of the pregnant person, after ~~the end~~  
~~1 19 of the second trimester of the pregnancy~~ a gestation  
1 20 period of twenty completed weeks where death of the  
1 21 fetus does not result commits attempted feticide.  
1 22 Attempted feticide is a class "D" felony.  
1 23 4. This section shall not apply to the termination  
1 24 of a human pregnancy performed by a physician licensed  
1 25 in this state to practice medicine or surgery or  
1 26 osteopathic medicine or surgery when in the best  
1 27 clinical judgment of the physician the termination  
1 28 is performed to preserve the life ~~or health~~ of the  
1 29 pregnant person or of the fetus and every reasonable  
1 30 medical effort not inconsistent with preserving the  
1 31 life of the pregnant person is made to preserve the  
1 32 life of ~~a viable~~ the fetus.  
1 33 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
1 34 of this Act, being deemed of immediate importance,  
1 35 takes effect upon enactment. >>

DAVID JOHNSON  
S3293.3220 (4) 84  
pf/jp



Iowa General Assembly  
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Senate Amendment 3340

PAG LIN

1 1 Amend the amendment, S=3293, to House File 649,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 52, after line 28 by inserting:  
1 5 <DIVISION \_\_\_\_  
1 6 ABORTION LIMITATIONS  
1 7 Sec. \_\_\_\_ FINDINGS. The general assembly finds all  
1 8 of the following:  
1 9 1. Abortion can cause serious short-term and  
1 10 long-term physical and psychological complications for  
1 11 women including but not limited to uterine perforation,  
1 12 uterine scarring, cervical perforation or other  
1 13 injury, infection, bleeding, hemorrhage, blood clots,  
1 14 failure to actually terminate the pregnancy, incomplete  
1 15 abortion or retained tissue, pelvic inflammatory  
1 16 disease, endometritis, missed ectopic pregnancy,  
1 17 cardiac arrest, respiratory arrest, renal failure,  
1 18 metabolic disorder, shock, embolism, coma, placenta  
1 19 previa in subsequent pregnancies, preterm delivery in  
1 20 subsequent pregnancies, free fluid in the abdomen,  
1 21 organ damage, adverse reactions to anesthesia and other  
1 22 drugs, and psychological or emotional complications  
1 23 such as depression, anxiety, sleeping disorders, and  
1 24 death.  
1 25 2. Abortion has a higher medical risk when the  
1 26 procedure is performed later in the pregnancy.  
1 27 Compared to an abortion at eight weeks' gestation or  
1 28 earlier, the relative risk increases exponentially  
1 29 at higher gestations. The incidence of major  
1 30 complications is highest after twenty weeks of  
1 31 gestation.  
1 32 3. The state has a compelling interest in the  
1 33 public's health and safety.  
1 34 4. The state has a compelling interest from the  
1 35 outset of pregnancy in protecting the health of the  
1 36 woman. More specifically, the state has a compelling  
1 37 interest in protecting the health of women who undergo  
1 38 abortions.  
1 39 5. There is substantial evidence that no later than  
1 40 twenty weeks after fertilization, an unborn child has  
1 41 the physical structures necessary to experience pain.  
1 42 6. There is substantial evidence that by twenty  
1 43 weeks after fertilization, an unborn child seeks to  
1 44 evade certain stimuli in a manner which, in an infant  
1 45 or an adult, would be interpreted as a response to  
1 46 pain.  
1 47 7. Anesthesia is routinely administered to an  
1 48 unborn child twenty weeks or more after fertilization  
1 49 when the unborn child undergoes prenatal surgery.  
1 50 8. Even before twenty weeks after fertilization,



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2 1 the unborn child has been observed to exhibit hormonal  
2 2 stress responses to painful stimuli, and a reduction  
2 3 in such response results when pain medication is  
2 4 administered directly to the unborn child.  
2 5 9. It is the purpose of the state of Iowa to assert  
2 6 a compelling state interest in protecting the unborn  
2 7 child from the stage at which substantial medical  
2 8 evidence indicates the unborn child is capable of  
2 9 feeling pain.  
2 10 Sec. \_\_\_\_\_. NEW SECTION. 146A.1 Definitions.  
2 11 As used in this chapter, unless the context  
2 12 otherwise requires:  
2 13 1. "Abortion" means abortion as defined in section  
2 14 146.1.  
2 15 2. "Attempt an abortion" means an act, or an  
2 16 omission of a statutorily required act, that, under  
2 17 the circumstances as the actor believes them to be,  
2 18 constitutes a substantial step in a course of conduct  
2 19 planned to culminate in an abortion.  
2 20 3. "Department" means the department of public  
2 21 health.  
2 22 4. "Fertilization" means the fusion of a human  
2 23 spermatozoon with a human ovum.  
2 24 5. "Medical emergency" means a condition which, in  
2 25 reasonable medical judgment, so complicates the medical  
2 26 condition of a pregnant woman as to necessitate the  
2 27 termination of the human pregnancy to avoid a serious  
2 28 risk of death or substantial and irreversible physical  
2 29 impairment of a major bodily function. "Medical  
2 30 emergency" does not include a condition which is based  
2 31 on a claim or diagnosis that the pregnant woman will  
2 32 engage in conduct which would result in the pregnant  
2 33 woman's death or in substantial and irreversible  
2 34 physical impairment of a major bodily function.  
2 35 6. "Medical facility" means any public or private  
2 36 hospital, clinic, center, medical school, medical  
2 37 training institution, health care facility, physician's  
2 38 office, infirmary, dispensary, ambulatory surgical  
2 39 center, or other institution or location where medical  
2 40 care is provided to any person.  
2 41 7. "Physician" means a person licensed under  
2 42 chapter 148.  
2 43 8. "Postfertilization age" means the age of the  
2 44 unborn child as calculated from the fertilization of  
2 45 the human ovum.  
2 46 9. "Probable postfertilization age" means what,  
2 47 in reasonable medical judgment, will with reasonable  
2 48 probability be the postfertilization age of the unborn  
2 49 child at the time an abortion is to be performed.  
2 50 10. "Reasonable medical judgment" means a medical



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3 1 judgment made by a reasonably prudent physician who  
3 2 is knowledgeable about the case and the treatment  
3 3 possibilities with respect to the medical conditions  
3 4 involved.  
3 5 11. "Unborn child" means an individual organism of  
3 6 the species homo sapiens from fertilization until live  
3 7 birth.  
3 8 Sec. \_\_\_\_\_. NEW SECTION. 146A.2 Determination of  
3 9 postfertilization age prior to abortion ==== abortion  
3 10 prohibited at twenty weeks or more postfertilization age  
3 11 ==== exceptions ==== reporting requirements ==== penalties.  
3 12 1. Except in the case of a medical emergency,  
3 13 an abortion shall not be performed, induced, or  
3 14 attempted unless the physician performing, inducing, or  
3 15 attempting the abortion has first made a determination  
3 16 of the probable postfertilization age of the unborn  
3 17 child or relied upon such a determination made by  
3 18 another physician. In making such a determination, a  
3 19 physician shall make such inquiries of the pregnant  
3 20 woman and perform or cause to be performed such medical  
3 21 examinations and tests a prudent physician would  
3 22 consider necessary in making a reasonable medical  
3 23 judgment to accurately determine the postfertilization  
3 24 age of the unborn child.  
3 25 2. A physician shall not perform, induce, or  
3 26 attempt an abortion upon a pregnant woman when it has  
3 27 been determined, by the physician performing, inducing,  
3 28 or attempting the abortion or by another physician  
3 29 upon whose determination that physician relies, that  
3 30 the probable postfertilization age of the unborn child  
3 31 is twenty weeks or more unless, in the physician's  
3 32 reasonable medical judgment, any of the following  
3 33 applies:  
3 34 a. The pregnant woman has a condition which the  
3 35 physician deems a medical emergency.  
3 36 b. It is necessary to preserve the life of an  
3 37 unborn child.  
3 38 3. A physician who performs, induces, or attempts  
3 39 an abortion shall report to the department, on a  
3 40 schedule and in accordance with forms and rules adopted  
3 41 by the department, all of the following:  
3 42 a. If a determination of probable postfertilization  
3 43 age of the unborn child was made, the probable  
3 44 postfertilization age determined and the method and  
3 45 basis of the determination.  
3 46 b. If a determination of probable postfertilization  
3 47 age of the unborn child was not made, the basis of the  
3 48 determination that a medical emergency existed.  
3 49 c. If the probable postfertilization age of the  
3 50 unborn child was determined to be twenty weeks or more,





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4 1 the basis of the determination of a medical emergency,  
4 2 or the basis of the determination that the abortion was  
4 3 necessary to preserve the life of an unborn child.  
4 4 4. a. By June 30, annually, the department shall  
4 5 issue a public report providing statistics for the  
4 6 previous calendar year, compiled from the reports for  
4 7 that year submitted in accordance with subsection  
4 8 3. The department shall ensure that none of the  
4 9 information included in the public reports could  
4 10 reasonably lead to the identification of any woman upon  
4 11 whom an abortion was performed.  
4 12 b. (1) A physician who fails to submit a report by  
4 13 the end of thirty days following the due date shall be  
4 14 subject to a late fee of five hundred dollars for each  
4 15 additional thirty-day period or portion of a thirty-day  
4 16 period the report is overdue.  
4 17 (2) A physician required to report in accordance  
4 18 with subsection 3 who has not submitted a report or who  
4 19 has submitted only an incomplete report more than one  
4 20 year following the due date, may, in an action brought  
4 21 in the manner in which actions are brought to enforce  
4 22 chapter 148, be directed by a court of competent  
4 23 jurisdiction to submit a complete report within a time  
4 24 period stated by court order or be subject to contempt  
4 25 of court.  
4 26 (3) A physician who intentionally or recklessly  
4 27 falsifies a report required under this section is  
4 28 subject to a civil penalty of one hundred dollars.  
4 29 5. Any medical facility in which a physician is  
4 30 authorized to perform an abortion shall implement  
4 31 written medical policies and procedures consistent with  
4 32 the requirements and prohibitions of this chapter.  
4 33 6. The department shall adopt rules to administer  
4 34 this section.  
4 35 Sec. \_\_\_\_\_. NEW SECTION. 146A.3 Civil and criminal  
4 36 actions ==== penalties.  
4 37 1. Failure of a physician to comply with any  
4 38 provision of section 146A.2, with the exception of the  
4 39 late filing of a report or failure to submit a complete  
4 40 report in compliance with a court order, is grounds for  
4 41 license discipline under chapter 148.  
4 42 2. A physician who intentionally or recklessly  
4 43 performs, induces, or attempts an abortion in violation  
4 44 of this chapter is guilty of a class "C" felony.  
4 45 3. A woman upon whom an abortion has been performed  
4 46 or induced in violation of this chapter or the  
4 47 biological father may maintain an action against the  
4 48 physician who performed or induced the abortion in  
4 49 intentional or reckless violation of this chapter  
4 50 for actual damages. This subsection shall not be



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5 1 interpreted to apply to a biological father when the  
5 2 pregnancy is the result of rape or incest.  
5 3 4. A woman upon whom an abortion has been attempted  
5 4 in violation of this chapter may maintain an action  
5 5 against the physician who attempted the abortion in  
5 6 intentional or reckless violation of this chapter for  
5 7 actual damages.  
5 8 5. A cause of action for injunctive relief to  
5 9 prevent a physician from performing, inducing, or  
5 10 attempting abortions may be maintained against a  
5 11 physician who has intentionally violated this chapter  
5 12 by the woman upon whom the abortion was performed,  
5 13 induced, or attempted, by the spouse of the woman, by a  
5 14 parent or guardian of the woman if the woman is less  
5 15 than eighteen years of age or unmarried at the time  
5 16 the abortion was performed, induced, or attempted,  
5 17 by a current or former licensed health care provider  
5 18 of the woman, by a county attorney with appropriate  
5 19 jurisdiction, or by the attorney general.  
5 20 6. A woman upon whom an abortion was performed,  
5 21 induced, or attempted shall not be subject to  
5 22 prosecution for a violation of this chapter.  
5 23 7. If the plaintiff prevails in an action brought  
5 24 under this section, the plaintiff shall be entitled to  
5 25 an award for reasonable attorney fees.  
5 26 8. If the defendant prevails in an action brought  
5 27 under this section and the court finds that the  
5 28 plaintiff's suit was frivolous and brought in bad  
5 29 faith, the defendant shall be entitled to an award for  
5 30 reasonable attorney fees.  
5 31 9. Damages and attorney fees shall not be assessed  
5 32 against the woman upon whom an abortion was performed,  
5 33 induced, or attempted except as provided in subsection  
5 34 8.  
5 35 10. In a civil or criminal proceeding or action  
5 36 brought under this chapter, the court shall rule  
5 37 whether the identity of any woman upon whom an abortion  
5 38 has been performed, induced, or attempted shall be  
5 39 protected from public disclosure if the woman does  
5 40 not provide consent to such disclosure. The court,  
5 41 upon motion or on its own motion, shall make such a  
5 42 ruling and, upon determining that the woman's identity  
5 43 should be protected, shall issue orders to the parties,  
5 44 witnesses, and counsel and shall direct the sealing  
5 45 of the record and exclusion of individuals from  
5 46 courtrooms or hearing rooms to the extent necessary to  
5 47 safeguard the woman's privacy. Each such order shall  
5 48 be accompanied by specific written findings explaining  
5 49 why the identity of the woman should be protected  
5 50 from public disclosure, why the order is essential to



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6 1 that end, how the order is narrowly tailored to serve  
6 2 that interest, and why no reasonable less restrictive  
6 3 alternative exists. In the absence of written consent  
6 4 of the woman upon whom an abortion has been performed,  
6 5 induced, or attempted, anyone, other than a public  
6 6 official, who brings an action under this section shall  
6 7 do so under a pseudonym. This subsection shall not be  
6 8 construed to conceal the identity of the plaintiff or  
6 9 of witnesses from the defendant or from attorneys for  
6 10 the defendant.  
6 11 Sec. \_\_\_\_\_. NEW SECTION. 146A.4 Construction.  
6 12 Nothing in this chapter shall be construed as  
6 13 creating or recognizing a right to an abortion.  
6 14 Sec. \_\_\_\_\_. NEW SECTION. 146A.5 Severability clause.  
6 15 If any provision of this chapter or its application  
6 16 to any person or circumstance is held invalid,  
6 17 the invalidity does not affect other provisions or  
6 18 application of this chapter which can be given effect  
6 19 without the invalid provision or application, and to  
6 20 this end the provisions of this chapter are severable.  
6 21 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
6 22 of this Act, being deemed of immediate importance,  
6 23 takes effect upon enactment. >>

DAVID JOHNSON  
S3293.3223 (3) 84  
pf/nh



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## Senate Amendment 3341

PAG LIN

1 1 Amend House File 589, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. By striking everything after the enacting clause  
1 4 and inserting:  
1 5 <Section 1. Section 717A.1, Code 2011, is amended  
1 6 by adding the following new subsection:  
1 7 NEW SUBSECTION. 2A. "Agricultural production  
1 8 facility" means an animal facility as defined in  
1 9 subsection 4, paragraph "a", or a crop operation  
1 10 property.  
1 11 Sec. 2. NEW SECTION. 717A.2A Agricultural  
1 12 production facility fraud and agricultural production  
1 13 facility offense.  
1 14 1. A person is guilty of agricultural production  
1 15 facility fraud if the person willfully does any of the  
1 16 following:  
1 17 a. Obtains access to an agricultural production  
1 18 facility by false pretenses.  
1 19 b. Makes a false statement or representation as  
1 20 part of an application or agreement to be employed  
1 21 at an agricultural production facility, if the  
1 22 person knows the statement to be false, and makes  
1 23 the statement with an intent to commit an act not  
1 24 authorized by the owner of the agricultural production  
1 25 facility, knowing that the act is not authorized.  
1 26 2. A person is guilty of an agricultural production  
1 27 facility offense if the person is an employee of  
1 28 an agricultural production facility and personally  
1 29 observes livestock abuse as defined in section 717.1A,  
1 30 livestock neglect as defined in section 717.2, or  
1 31 crop operation property damage as defined in 717A.3,  
1 32 subsection 1, and willfully fails to comply with a  
1 33 written policy of the agricultural production facility  
1 34 requiring the reporting of such abuse, neglect, or  
1 35 property damage.  
1 36 3. a. A person who commits an offense described in  
1 37 subsection 1 or 2 commits the following:  
1 38 (1) For the first conviction, a serious  
1 39 misdemeanor.  
1 40 (2) For a second or subsequent conviction, an  
1 41 aggravated misdemeanor.  
1 42 b. A person who conspires to commit agricultural  
1 43 production facility fraud under subsection 1 is subject  
1 44 to the provisions of chapter 706.  
1 45 c. A person who aids and abets in the commission of  
1 46 agricultural production facility fraud under subsection  
1 47 1, or a person who has knowledge that agricultural  
1 48 production facility fraud under subsection 1 has been  
1 49 committed and that a certain person committed the  
1 50 agricultural production facility fraud, and who does



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2 1 not stand in relation of husband or wife to the person  
2 2 committing the agricultural production facility fraud,  
2 3 and who harbors, aids, or conceals a person committing  
2 4 the agricultural production facility fraud, is subject  
2 5 to the provisions of chapter 703. A trial information  
2 6 or an indictment need not contain allegations of  
2 7 vicarious liability as provided in chapter 703.>  
2 8 #2. Title page, line 2, by striking <and remedies>

THOMAS RIELLY

TIM KAPUCIAN  
HF589.3224 (2) 84  
da/rj



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## Senate Amendment 3342

PAG LIN

1 1 Amend the amendment, S=3293, to House File 649,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. By striking page 24, line 39, through page 25,  
1 5 line 27, and inserting:  
1 6 <Sec. \_\_\_\_\_. Section 135.24, subsection 2, Code 2011,  
1 7 is amended by adding the following new paragraph:  
1 8 NEW PARAGRAPH. e. Procedures for a hospital to  
1 9 register and act as a sponsor entity for the program.  
1 10 A hospital acting as a sponsor entity under this  
1 11 paragraph shall enter into an agreement with the  
1 12 program to allow an individual health care provider  
1 13 who registers and complies with the requirements of  
1 14 this section to deliver free health care services to  
1 15 uninsured and underinsured individuals at the sponsor  
1 16 entity location. The sponsor entity shall not bill,  
1 17 charge, or receive compensation and shall not be  
1 18 considered a state agency under chapter 669 when acting  
1 19 as a sponsor entity under this paragraph.  
1 20 Sec. \_\_\_\_\_. Section 135.24, subsection 3, paragraph  
1 21 b, Code 2011, is amended to read as follows:  
1 22 b. Provided medical, dental, chiropractic,  
1 23 pharmaceutical, nursing, optometric, psychological,  
1 24 social work, behavioral science, podiatric, physical  
1 25 therapy, occupational therapy, respiratory therapy, or  
1 26 emergency medical care services through a hospital,  
1 27 clinic, free clinic, field dental clinic, specialty  
1 28 health care provider office, or other health care  
1 29 facility, health care referral program, or charitable  
1 30 organization listed as eligible and participating by  
1 31 the department pursuant to subsection 1 or through  
1 32 a hospital that has entered into a sponsor entity  
1 33 agreement as described in subsection 2.>  
1 34 #2. By renumbering as necessary.

HERMAN C. QUIRMBACH  
S3293.3229 (3) 84  
pf/jp



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## Senate Amendment 3343

PAG LIN

1 1 Amend the amendment, S=3293, to House File 649,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 4, line 16, after <abortions> by inserting  
1 5 <do not include terminations of human pregnancy under  
1 6 section 707.7 that constitute feticide, but>  
1 7 #2. Page 11, line 1, after <abortion> by inserting  
1 8 <does not include a termination of human pregnancy  
1 9 under section 707.7 that constitutes feticide, but>  
1 10 #3. Page 52, after line 28 by inserting:  
1 11 <\_\_\_\_. Page 83, after line 21 by inserting:  
1 12 <DIVISION \_\_\_\_  
1 13 FETICIDE \_\_\_\_  
1 14 Sec. \_\_\_\_\_. Section 707.7, subsections 1, 2, and 4,  
1 15 Code 2011, are amended to read as follows:  
1 16 1. Any person who intentionally terminates a human  
1 17 pregnancy, with the knowledge and voluntary consent  
1 18 of the pregnant person, after ~~the end of the second~~  
1 19 ~~trimester of the pregnancy~~ a gestation period of  
1 20 twenty completed weeks where death of the fetus results  
1 21 commits feticide. Feticide is a class "C" felony.  
1 22 2. Any person who attempts to intentionally  
1 23 terminate a human pregnancy, with the knowledge and  
1 24 voluntary consent of the pregnant person, after ~~the end~~  
1 25 ~~of the second trimester of the pregnancy~~ a gestation  
1 26 period of twenty completed weeks where death of the  
1 27 fetus does not result commits attempted feticide.  
1 28 Attempted feticide is a class "D" felony.  
1 29 4. This section shall not apply to the termination  
1 30 of a human pregnancy performed by a physician licensed  
1 31 in this state to practice medicine or surgery or  
1 32 osteopathic medicine or surgery when in the best  
1 33 clinical judgment of the physician the termination  
1 34 is performed to preserve the life ~~or health~~ of the  
1 35 pregnant person or of the fetus and every reasonable  
1 36 medical effort not inconsistent with preserving the  
1 37 life of the pregnant person is made to preserve the  
1 38 life of ~~a viable~~ the fetus.  
1 39 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
1 40 of this Act, being deemed of immediate importance,  
1 41 takes effect upon enactment. >>

DAVID JOHNSON  
S3293.3235 (1) 84  
pf/jp



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**Senate File 534 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SSB  
1212)

**A BILL FOR**

1 An Act relating to the application of certificate of need  
2 requirements to specialized outpatient surgical facilities,  
3 providing for fees, and including effective date and  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2793SV (2) 84  
pf/nh





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Senate File 534 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.61, subsection 14, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. g. A specialized outpatient surgical  
1 4 facility.  
1 5 Sec. 2. Section 135.61, Code 2011, is amended by adding the  
1 6 following new subsection:  
1 7 NEW SUBSECTION. 21A. "Specialized outpatient surgical  
1 8 facility" means a freestanding facility, not including a  
1 9 hospital, in which surgical abortion procedures are performed  
1 10 after the fetus has attained a postfertilization age of  
1 11 twenty weeks or more. For the purposes of this subsection,  
1 12 "postfertilization age" means the age of the fetus as calculated  
1 13 from fertilization of the human ovum.  
1 14 Sec. 3. Section 135.63, subsection 2, paragraph a, Code  
1 15 2011, is amended to read as follows:  
1 16 a. Private offices and private clinics of an individual  
1 17 physician, dentist, or other practitioner or group of  
1 18 health care providers, except as provided by section 135.61,  
1 19 subsection 18, paragraphs "g", "h", and "m", and subsections 20,  
1 20 ~~and~~ 21, and 21A.  
1 21 Sec. 4. Section 135.64, subsection 2, Code 2011, is amended  
1 22 by adding the following new paragraph:  
1 23 NEW PARAGRAPH. e. In the case of a specialized outpatient  
1 24 surgical facility, the specialized outpatient surgical  
1 25 facility will be located in close proximity to a hospital  
1 26 licensed pursuant to chapter 135B that is a level II regional  
1 27 neonatology center or a level III center consistent with 641  
1 28 IAC 150 for patients of the facility in order to preserve the  
1 29 life or health of a pregnant woman or fetus.  
1 30 Sec. 5. ADMINISTRATIVE RULES. The department of public  
1 31 health shall adopt rules to determine the certificate of need  
1 32 application fee, in accordance with section 135.63, for a  
1 33 specialized outpatient surgical facility as defined in section  
1 34 135.61, as amended in this Act.  
1 35 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate



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Senate File 534 - Introduced continued

2 1 importance, takes effect upon enactment.

2 2 Sec. 7. APPLICABILITY. The provisions of this Act shall

2 3 apply to a specialized outpatient surgical facility offered or

2 4 developed in this state on or after the effective date of this

2 5 Act.

### EXPLANATION

2 7 This bill provides that a specialized outpatient surgical  
2 8 facility is subject to certificate of need requirements prior  
2 9 to being offered or developed in Iowa. The bill defines  
2 10 "specialized outpatient surgical facility"; requires that,  
2 11 in addition to all other criteria that must be met by such a  
2 12 facility, a certificate of need may only be granted if the  
2 13 facility will be located in close proximity to a hospital  
2 14 that is a level II neonatology center or a level III center;  
2 15 and directs the department of public health to adopt rules  
2 16 to determine the certificate of need application fee for  
2 17 such facilities. The bill takes effect upon enactment and  
2 18 is applicable to specialized outpatient surgical facilities  
2 19 offered or developed in the state on or after the effective  
2 20 date of the bill.

LSB 2793SV (2) 84

pf/nh